



JUSTICE

Vol.39 **ACTUALITÉS - REPORT** No.2

CANADIAN CRIMINAL JUSTICE ASSOCIATION - ASSOCIATION CANADIENNE DE JUSTICE PÉNALE

SPECIAL SECTION ON SEXUAL ASSAULT IN CANADA
WITH GUEST EDITOR DR. NATALIE SNOW

Banff 2024
39TH CCJA CONGRESS
39E CONGRÈS ACJP

Moving Forward Together: Exploring Pathways to Reconciliation, Healing, and Public Safety

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 Canadian Criminal Justice Association
100 - 100 St. Andrews Ave. Ottawa, Canada K1T 4A9
913 726 0713 ccja-acjp.ca

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DANS CE NUMÉRO

**Call for Election
Candidates**
—**2024**—

AWARDS
★★★★★
**PRIX
D'EXCELLENCE**

The JUSTICE REPORT contains information of value to Association readers and the public interested in matters related to the administration of justice in Canada. Opinions expressed in this publication do not necessarily reflect the Association's views, but are included to encourage reflection and action on the criminal justice system throughout Canada.

For more information on the activities of the CCJA, please contact:

L'ACTUALITÉS JUSTICE renferme des renseignements utiles aux lecteurs de l'Association et au public qui s'intéressent aux questions relatives à l'administration de la justice au Canada. Les opinions qui sont exprimées ne reflètent pas nécessairement les vues de l'Association, mais y figurent afin d'encourager à réfléchir et à agir sur la justice pénale dans tout le Canada.

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**CANADIAN CRIMINAL JUSTICE ASSOCIATION
ASSOCIATION CANADIENNE DE JUSTICE PÉNALE**

P • 101-320, av. Parkdale Ave., Ottawa, Ontario, Canada K1Y 4X9
T • 613 725.3715 | F • 613 725.3720 | E • ccja-acjp@rogers.com
ccja-acjp.ca

**NANCY WRIGHT, EDITOR-IN-CHIEF SINCE 2012.
NANCY WRIGHT, RÉDACTRICE EN CHEF DEPUIS 2012.
E • ccjapubsacjp@gmail.com**

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LAYOUT BY MARTIN SPIELAUER

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EDITORIAL

IRVING KULIK

CCJA Executive Director

Some of the criminal justice reporting over the last few months has seemed to paint an image of our society treating violent criminals with great laxness. While we may never forgive those who commit unforgiveable atrocities, should we forget that imprisonment is the punishment that Canadian law provides? Or do we need to make every day of a sentence as punishing as possible, even if it adds nothing to the protection of our communities? Indeed, in many cases excessive harshness will lead to the opposite outcome.

The great majority of prisoners will one day see the end of their terms and release into society, for better or worse. It is of course to everyone's benefit that they return in a far better state than when they entered. Part of a beneficial program is a requirement to maintain a network of support that can assist in a safe reintegration.

Two articles in this issue underline some positive initiatives that can provide such supports. Sheila MacCrimmon discusses how the demand for prison letter-writing kits led to an idea for collaboration (inter-agency) through Innovative Work Bees. Mount Royal student Miranda Henderson in *Barks Behind Bars* advocates for more pets in prison (self-financing) programs that develop empathy and employable skills on the part of prisoners, help save stray domestic animals, and endow communities with affordable kennel services.

Bob Christmas, Lead of Winnipeg's non-police Transit safety teams, reveals how Manitoba's

new layered approach to policing can unburden emergency services and reduce the criminalization of homelessness and addiction. Karime Elabderrahmani calls to make remand credits possible for fines, and young researcher Megan Davidson looks through *The Psychopharmacological Haze* at the impact of moral perceptions and poor program implementation on legal responses to drug-dependent crime in Canada, England and Wales.

This issue also focuses a Special Section (with Guest Editor Dr. Natalie Snow — Humber College, ON) dealing with sexual assaults, a topic that continues to garner much attention within different contexts nationally and internationally. Dr. Snow brings three contributions offering perspectives on stigma, prevalence, and chronic under-reporting of sexual assault as signs of a systemic problem in Canada.

Finally, Crystal Hincks, Carolee Turner, and John Winterdyk see the need for greater protection of vulnerable temporary foreign workers and make "A Call for Mandatory Human Trafficking Reporting".

Dr. Winterdyk and Crystal Hincks will be presenting on a related topic at our 39th Congress on Criminal Justice taking place in Banff, Alberta commencing on October 6 this year. More information is available elsewhere in this issue, so I need not elaborate too much here except to say that I encourage you to consider making a presentation or at least registering and attending this special event in the Rockies this fall.

Finally, a dozen positions are available on the Board of the CCJA. Nominations are open across the country and I encourage you to get involved by putting your name forward in advance of the elections. We are always looking for new members to join the Board. Perhaps you wish to have a greater role in the future of the Association as it completes its 105th year?

Have a great spring and summer.



ÉDITORIAL

IRVING KULIK

Directeur Général de l'ACJP

Des reportages récents sur le système de justice pénale semblent donner l'impression que notre société traite les criminels violents avec beaucoup de laxisme. Même si on ne peut jamais excuser ceux qui commettent des atrocités impardonnables, devrions-nous oublier que l'emprisonnement est la peine légale au Canada? Ou devons-nous faire en sorte que chaque jour, une peine soit aussi punitive que possible, même si cela n'ajoute rien à la protection de nos communautés? En réalité, dans de nombreux cas, une sévérité excessive entraîne le résultat inverse.

La grande majorité des détenus seront libérés dans la société un jour ou l'autre, pour le meilleur ou pour le pire. Il est dans l'intérêt de tout le monde qu'ils reviennent en meilleur état qu'avant. Un bon programme exige notamment de maintenir un réseau de soutien qui peut aider à la réinsertion sociale en toute sécurité.

Deux articles de ce numéro mettent en lumière quelques initiatives positives offrant de tels soutiens. Sheila MacCrimmon raconte comment la demande de trousse de rédaction de lettres en prison a suscité une idée de collaboration (inter-agences) grâce aux *Innovative Work Bees*. Miranda Henderson, étudiante de Mount Royal milite pour *Barks Behind Bars*, un programme d'animaux de compagnie en prison qui favorise le développement de l'empathie et des compétences chez les prisonniers, aide à sauver les animaux domestiques errants et propose des services de chenille à un prix abordable.

Bob Christmas, à la tête d'une équipe de sécurité pour les autobus de Winnipeg, révèle comment la récente approche du Manitoba en matière de services de police peut alléger le fardeau des urgences et limiter la criminalisation des sans-abris et de la toxicomanie. Karime Elabderrahmani se demande pourquoi les crédits de détention provisoire ne sont pas possibles pour les amendes, et jeune chercheuse Megan Davidson examine l'impact des perceptions morales et de la mauvaise mise en œuvre du programme sur les réponses juridiques à la criminalité liée à la drogue au Canada, en Angleterre et au pays de Galles.

Ce numéro offre également une section spéciale avec la rédactrice invitée Natalie Snow (Humber College, Ont.) mettant l'accent sur l'agression sexuelle, un sujet qui continue d'attirer beaucoup d'attention dans différents contextes nationaux et internationaux. Enfin, Crystal Hincks, Carolee Turner et John Winterdyk soulignent l'importance de rendre obligatoire la déclaration de la traite de personnes afin de renforcer la sécurité des travailleurs étrangers temporaires vulnérables.

M. Winterdyk et Crystal Hincks traiteront un sujet connexe à notre 39e Congrès sur la justice pénale qui aura lieu à Banff, en Alberta, à compter du 6 octobre de cette année.

De plus amples renseignements sont disponibles ailleurs dans ce numéro, alors je n'ai pas besoin d'en dire trop ici, sauf que je vous encourage à songer de faire une présentation ou au moins de vous inscrire et d'assister à cet événement spécial dans les Rocheuses cet automne.

Enfin, une dizaine de postes sont disponibles au sein du conseil d'administration de l'ACJP. Les candidatures sont ouvertes partout au pays et je vous encourage à proposer votre nom. Vous souhaitez peut-être jouer un rôle plus important dans l'avenir de l'Association alors qu'elle termine sa 105e année? Nous sommes toujours à la recherche de nouveaux membres du Conseil.

Bon printemps et bon été.

CALL FOR ELECTION CANDIDATES

CCJA Board of Directors 2024-2026



It is time for the 2024 CCJA Board of Directors election process to commence!

All CCJA members in good standing may present themselves as candidates for the Board of Directors or nominate a member colleague.

Elections are open for the following positions:

- 1 vacancy in British Columbia**
- 1 vacancy in Alberta**
- 1 vacancy in Saskatchewan**
- 1 vacancy in Nova Scotia**
- 1 vacancy in Manitoba**
- 1 vacancy in Prince Edward Island**
- 1 vacancy in Newfoundland and Labrador**
- 1 vacancy in the Territories**
- 4 vacancies At Large**



Candidates must reside in the province for which they are nominated.

All positions consist of a four-year term which is scheduled to begin on September 1, 2024.

Members wishing to nominate a candidate must complete the candidacy form and return it to CCJA (ccja-acjp@rogers.com) by 11:59 pm EDT on May 15, 2024.

Talk to your colleagues, consult your local affiliate and get involved. We are always seeking motivated individuals to ensure the Association remains dynamic and forward-thinking.



CCJA Awards

CALL FOR NOMINATIONS!

APPEL À MISE EN CANDIDATURE !

The deadline for nominations is September 1st, 2024.

Info and Nomination Forms

ccja-acjp@gmail.com

Info et formules de mise en candidature

CCJA Awards to be presented at Congress 2024

**October
6-9
Octobre**



Banff 2024

39TH CCJA CONGRESS
39E CONGRÈS ACJP

Les prix de l'ACJP seront remis au Congrès 2024

THE SENATOR EARL A. HASTINGS AWARD – To honour Canadians who do not work in justice but have made an outstanding contribution over many years to the Canadian criminal justice system.

LE PRIX SÉNATEUR-EARL-A.-HASTINGS – Honorer des Canadiens et des Canadiennes qui n'ouvrent pas en justice mais qui ont apporté une contribution exceptionnelle pendant de nombreuses années au système de justice pénale canadien.

THE WILLIE GIBBS LIFETIME ACHIEVEMENT AWARD – To recognize meritorious contributions by CCJA members to the improvement of Canada's criminal justice system.

LE PRIX WILLIE GIBBS POUR L'ENSEMBLE DES RÉALISATIONS – Reconnaître les contributions méritoires des membres du CCJA à l'amélioration du système de justice pénale du Canada.

PUBLIC EDUCATION AWARD – To recognize persons who contribute to a better understanding among Canadians of the nature and necessity of a humane and effective criminal justice system.

LE PRIX D'ÉDUCATION DU PUBLIC – Reconnaître les personnes qui contribuent à une meilleure compréhension entre les Canadiens de la nature et de la nécessité d'un système de justice pénale humain et efficace.

RESEARCH AWARD – To recognize individuals or groups having conducted valid research that has led to significant improvement within the Canadian criminal justice system.

LE PRIX DE RECHERCHE – Reconnaître des individus ou des groupes ayant mené des recherches valides qui ont entraîné une amélioration significative au sein du système de justice pénale canadien.

CRIME PREVENTION AWARD – The Crime Prevention Award recognizes individuals or organizations in Canada making significant contributions to the reduction of criminal behaviour and increased public safety.

LE PRIX DE PRÉVENTION DU CRIME – Reconnaître les individus ou les organismes qui ont contribué beaucoup à la réduction du comportement criminel et à l'accroissement de la sécurité publique au Canada.

CERTIFICATE OF APPRECIATION – To recognize individuals, members or non-members, who have made a significant contribution to the achievement of CCJA objectives.

CERTIFICAT D'APPRÉCIATION – Reconnaître les individus, les membres ou les non-membres, qui ont apporté une contribution importante à la réalisation des objectifs du CCJA.

Innovative Work Bees: The Benefits of Inter-Organizational Collaboration

SHEILA MACCRIMMON

Visitor Resource Center Volunteer Coordinator
Canadian Families and Corrections Network (CFCN)

Through its resources, programs, and services, Canadian Families and Corrections Network (CFCN) focuses on strengthening individuals and families impacted by crime. One project, the making and distributing of letter-writing kits to those incarcerated in our federal prisons, has grown steadily to the point of needing creative approaches to meet demand. An idea for collaborative (inter-organizational) Work Bees brought together four prison-focused non-profit groups and resulted in much more than just letter-writing kits.

Do you remember old-fashioned letter-writing? It's become a bit of a lost art; but, for those in prison, writing letters is still a vital way to stay in touch with loved ones. Unfortunately, buying paper and pens at the prison canteen may not be an option for those with limited funds. Recognizing this, Canadian Families and Corrections Network (CFCN), with its focus on strengthening families, began making and distributing letter-writing kits to those in federal custody. Thankfully, Correctional Service of Canada (CSC) agreed that this was an important initiative and funded the project. Recently, an idea for Work Bees resulted in not only the assembly of hundreds of kits, but also the fostering of community.

CFCN is dedicated to supporting individuals and families affected by crime. Research shows when those in jail have regular visits and keep in touch with family and friends it's good for them and their family, and they are less likely to re-offend and end up back in jail. CFCN, in an effort to encourage those family connections, began the Prison Letter Writing Kits project in partnership with CSC in December, 2020. At this point the COVID-19 pandemic had full control

Canadian Families and Corrections Network (CFCN)

CFCN's establishment of an inter-organizational volunteering—Work Bees—project to prepare Prison Letter Writing Kits has been valuable in unexpected ways and is a great reminder of the strength of collaboration.

CFCN thanks the volunteers of Halifax Community Chaplaincy Society, Concilio Prison Ministry, Ray of Hope Ministry, for coming together on this project.

CFCN began its Prison Letter Writing Kits project in partnership with CSC in December, 2020 in an effort to encourage family connections.

www.cfcn-rcafd.org

Note: The print version of 39.2 incorrectly lists Louise Leonardi as author of this article.

of the world, and there was tremendous suffering for those in prison with the isolation and loneliness that many felt from lockdowns, lack of visits, and illness. The idea to offer them an innovative way to connect to those on the outside, and give them something to do, was appreciated.

CFCN'S INNOVATIVE PRISON LETTER WRITING PROJECT – OVER 10,500 KITS SENT OUT SO FAR

Each “kit” has stationery (some plain paper for drawings, poems, etc. and some fun, colourful paper in child, youth, adult and Indigenous styles), a pen, and a few envelopes, all neatly tucked into a large kit with a letter about other CFCN resources and services available to families and those in custody. All that is missing is the postage, which is contraband to send to a federal site, so the idea is to give individuals all the other letter materials to reduce costs, so that they could purchase a stamp from canteen. Boxes of 50 kits are sent out to men and women in various federal prisons and Indigenous lodges all over Canada to distribute free of charge. To date we have sent out over 10,500 kits!

The feedback from the sites about the kits was very positive including messages such as, *“I have 1 kit left... These go like wildfire!”*, *“I am very grateful for the writing kits. I give one to each new inmate because they often come in with not much of anything constructive and I value these materials greatly.”* And *“We are ALL OUT OF the wonderful writing kits. Please send a box as soon as you can. I am so grateful for the wonderful work do.”* It's encouraging to be able to help build resiliency and create bonding among families.

We also received feedback from those incarcerated, like this one from a women's site, *“Throughout the pandemic, I received writing packages filled with lovely papers and envelopes to help me stay*

in connection with my supports. I wanted to take this time to say how much these packages meant to me to send some lovely messages with colour and assist with my connections.” It is obvious that we have something of value on our hands, another interesting way, to help CFCN achieve our mandate of strengthening families.

The letter-writing kits are being used in the Correctional Service of Canada's Mental Health Departments, in programming classrooms, and are handed out by Librarians, Chaplains, Parole Officers, Health Care workers, etc. They are used to create connection, help with literacy, encourage supportive relationships, and to reduce loneliness and depression.

THE WORK BEE GROUPS CONSIST OF PEOPLE (FROM VARIOUS RELATED ORGANIZATIONS) GETTING TOGETHER TO PREPARE PRISON WRITING KITS WHILE SHARING KNOWLEDGE

Demand for the kits increased rapidly, right from the beginning, as word spread among those incarcerated and through CSC's 'Message to Inmates' each week. Because assembly is done manually, it became clear that an efficient process was needed to make a lot of kits in a short time. The idea emerged to create a group effort – a Work Bee. It not only would create a large number of kits at once, but also would provide something positive for prison volunteers to do until their respective volunteer programs started again in the prisons as the sites recovered from the COVID-19 pandemic.

RELATIONSHIP BUILDING AMONG ORGANIZATIONS IS THE KEY TO PLANTING SEEDS FOR FUTURE IDEAS, SUPPORT FOR NEW ENDEAVOURS, AND CARING FOR THOSE WE WANT TO ASSIST IN THE PRISONS AND IN OUR COMMUNITIES

Several non-profit organizations based in Halifax are doing prison work both locally and regionally, so CFCN contacted three of these, expecting a handful of people might agree to come. Word spread and 13 people signed up – almost more than the chosen venue could hold! Some were seasoned volunteers, some were new to prison work, and some were simply curious to know more about volunteering in prisons.

They settled into both the task and the conversations quickly and soon were getting acquainted, laughing, and sharing stories. During that first Work Bee, which provided lunch, they had the chance to learn about CFCN's resources, programming, and support for families in Canada. They were able to ask questions about each other's work in the community and it was valuable to learn what everyone was doing and to understand how organizations could work together, not just on the kit building, but in other areas to help those in the Halifax region. They shared their work, and their successes and challenges. A genuine sense of community was evident as they listened to each others' stories and talked about the collective work. It was apparent that relationship building is the key to planting seeds for future ideas, support for new endeavours, and caring for those we want to assist in the prisons and in our communities.

Together, the Work Bee group assembled 500 Prison Letter Writing Kits to distribute to institutions across Canada. And 400 more kits were created a few weeks later at a second Work Bee. Concrete results are rewarding; yet, equally rewarding is the sense of community formed in those hours together. Building awareness of others doing similar work, and sharing resources, networks, ideas, and projects can strengthen and encourage all of the organizations to keep doing this important work and also to find other ways of working collaboratively.

One volunteer summed it up: *"It was a pleasure to be a part of the efficient and hard-working group that came together.... Everyone was so friendly, and welcoming and I was blessed. [The room] was a perfect place for it and we enjoyed all the treats and lunch that were provided. I admire everyone's passion and dedication to their respective ministries, and hearing from those who shared was quite informative."*

CFCN thanks the volunteers of Halifax Community Chaplaincy Society, Concilio Prison Ministry, Ray of Hope Ministry, for coming together on this project. It has been valuable in unexpected ways and is a great reminder of the strength of collaboration.

RÉSUMÉ

Innovative Work Bees: The Benefits of Inter-Organizational Collaboration

SHEILA MACRIMMON

Regroupement canadien d'aide aux familles des détenu(e)s (RCAFD)

Avec ses ressources, programmes et services, le Regroupement canadien d'aide aux familles des détenu(e)s (RCAFD) s'engage à renforcer les personnes et les familles touchées par le crime. Un projet visant à préparer et distribuer des trousseaux de rédaction de lettres aux prisonniers fédéraux a connu une croissance constante nécessitant des approches créatives pour répondre à la demande. L'idée de collaboration (inter-organisationnelle) a réuni quatre groupes sans but lucratif (spécialisés dans la prison) et a abouti à plus que des trousseaux pour rédiger des lettres.



CFCN

Canadian Families and
Corrections Network

RCAFD

Regroupement canadien d'aide
aux familles des détenu(e)s

Canadian Families and Corrections Network (CFCN) focuses on families, children, and friends who have someone they care about in jail. Our mission is “to build stronger and safer communities by assisting families affected by criminal behaviour, incarceration, and reintegration”. Look around our website to see how we help by offering storybooks, information booklets, groundbreaking research, unique programs, and strong policy development to strengthen the family unit and the lives of everyone in it. Follow us on Facebook, Instagram, and Twitter. (<https://www.cfcn-rcafd.org>)

Le Regroupement canadien d'aide aux familles des détenu(e)s (RCAFD) se concentre sur l'appui aux familles, aux enfants et aux amis ayant un de leurs proches en prison. Notre mission est de « contribuer à bâtir des milieux de vie plus stables et plus sûrs, en offrant un soutien aux familles qui doivent composer avec le comportement criminel, l'incarcération et la réinsertion sociale. » Visitez notre site Web afin de voir l'aide que nous apportons en offrant des livres d'histoires, des livrets d'information, des recherches novatrices, des programmes uniques et en élaborant des politiques solides afin de renforcer l'unité familiale et la vie de toutes les personnes concernées. (<https://national9.wixsite.com/cfcn-french>)

Winnipeg's new Community Safety Team

ROBERT (BOB) CHRISMAS

Winnipeg's Community Transit Safety Team Lead

Homelessness, mental health challenges, overdoses, and drug-related violence spell despair for Winnipeg's Transit system and clients, especially during winter months. As lead of Winnipeg's new community safety team, recently retired Winnipeg staff sergeant and author Dr. Bob Christmas explores how Manitoba's transition to a layered public safety model (Police Services Act, 2020) supporting community safety teams will foster community ownership of these issues and save valuable police and paramedic resources for serious criminal matters. Community safety officers are specially trained to provide trauma-informed, compassionate interventions, connecting people with needed resources. A permanent sharing circle in the office ensures collaboration with police and a wide range of government and non-government supports to facilitate diversion away from emergency services when possible.

INTRODUCTION

Having devoted my entire adult life to public safety and law enforcement, I feel well placed to talk about contemporary justice issues. Over my past 34 years of frontline police service in Winnipeg, Manitoba, I have lived through many changes and shifting social problems and our ever-evolving attempts to respond effectively. Much of this is captured in my first book, *Canadian Policing in the 21st Century: A Frontline Officer on Challenges and Changes* (2013). The 20-20 of hindsight allowed me to further contextualize the myriad changes and their impact on police and policing in my recent memoir, *The Watch: Impressions from a Career in Canadian Policing* (2024).

Over my career, I have seen some policing initiatives fail and others meet with outstanding success for their time. Many 'new' innovations are actually reinventions of past strategies. For instance, the ebbs and flows of police centralization vs. decentralization and reactive vs. proactive orientations (Christmas, 2013, 2024). There are pros and cons to these dynamics and the solutions may lay somewhere in between. As Lead of Winnipeg's first Community Safety Officer Program, for Public Transit, I am confident that Manitoba's new "layered policing

model" will prove successful in numerous ways not only for policing but across the emergency services continuum.

Over the past four decades, I have learned that many factors shape society's response to change and the same is true in policing. Many issues are on a positive trajectory; however, as I often say, we have come a long way but have a long way to go. I find the policing profession is evolving with respect to reconciliation (Christmas, 2012, 2013, 2015, 2016; McFee & Christmas, 2020) and more proactive with officer mental health and well-being (Christmas, 2023; Milliard & Christmas, 2023; Gill, Milliard & Christmas, 2023; *Justice Report*, 2023). The moves towards community engagement and collaboration, on the other hand, have ebbed and flowed. Our new Community Safety Team in Winnipeg has a permanent sharing circle in the office to ensure knowledge building and sharing between safety officers, police, and community supports.

In recent post-COVID years, many social problems have intensified across Canada. Homelessness and addictions are part of and exacerbate the mental health crisis, and emergency services are outright overburdened. This strain has forced the innovative

creation of new service levels to support the police, paramedic/medical and other service providers.

Winnipeg, for instance, has had a growing crisis of unhoused people living in encampments throughout the city. While many disenfranchised people are peaceful and dealing with an unlucky draw in life's lottery, some have associated substance addictions and mental health issues. Unsheltered people have increasingly taken to riding the buses and squatting in bus shelters to escape the brutal elements of our prairie climate. For many transit users, this can be a source of fear that unfortunately is not always unfounded.

Bus shelters have become a dispersed network of homeless shelters—a direct result of overcrowded official/formal/designated shelters—thus depriving regular riders. This is especially problematic in Winnipeg's cold prairie winters. Despite City crews and community organization clean-ups and clearance of bus shelters, shopping carts and piles of syringes re-accumulated overnight. Meth-induced violence was becoming commonplace on the buses and bus shelters, deeply affecting ridership. The rise in assaults and weapon incidents and related physical and mental injury cost the Transit system a loss of almost 100 drivers/operators and is posing a significant barrier to attracting new drivers.

With emergency services making up about 75% of every major city's budget, off-loading mental-health burdens from police onto appropriate service providers is a realistic approach (Christmas, 2013). Part of the motivation behind movements calling for police defunding and devolution is fiscal; many tasks that have been gradually shifted onto the police over time can be done by less expensive service providers. Every police officer in Canada can tell stories about taking on duties mandated to the healthcare and child protection systems. Armed police officers are not the best resource for interfacing with people experiencing a mental health crisis. One of the most significant challenges facing modern policing is the massive resources consumed by people suffering crises related to mental health challenges and addictions (Christmas, 2013). Public safety teams can immediately make assessments and appropriate referrals to mental health and social services -- as well as to police, but avoidance of criminalization of

homeless and addicted persons is a core goal.

In response to these needs and the extraneous pressures on policing that they impose, important new tiers of law enforcement are being developed across Canada. In Manitoba, as of 2024, Community Safety Officer Programs have been implemented in over 42 communities and institutions (hospitals and universities) across the province. Each draws on the portions of the regulation that suit their needs, from municipal by-law enforcement to provincial acts. Our Winnipeg model for public transit safety officers is based on a new collaborative multi-sectoral approach that strives to provide a sense of safety to citizens while bringing wrap-around resources to the disenfranchised and hopefully diverting them from the overburdened criminal justice system.

Our first cohort has 21 officers, 2 supervisors, 2 support staff and myself (Manitoba, 2024). As Team Lead, I report directly to the city's Chief Administrative Officer. The Safety Officers are selected for their compassionate attitudes in service delivery and their success in professional training for self-defence and protecting and/or detaining people when required. The team comprises an age-, experience-, gender-, and culturally diverse group. They share a passionate commitment tested from the day they quit their regular jobs in policing and throughout six weeks of intensive training. This Safety Team initiative was envisioned by Mayoral candidate Scott Gillingham and deployed with haste when he was elected. The initial focus is on and around the Transit system and centered on the community.

A NEW TIER OF LAW ENFORCEMENT IN MANITOBA

The Police Services Act was amended in 2020 to provide a legal footing for the new Community Safety Officer Program, which will allow “support to police agencies to unburden them from social-issue management and allow them to focus on serious criminal matters” (Manitoba, 2024).

“The Provincial Police Act Review (2020) recommended the creation of a layered policing model to support community safety. The Safety Officer Program (SOP) allows communities to take ownership of their own safety plans by providing resources to address less serious criminal issues stemming from social issues such as homelessness, addiction and mental health [...]. Safety Officers work collaboratively with local policing authorities to enhance public safety by maintaining a visible presence within the community, facilitating the response of the local policing authority to situations that require police involvement, providing information and assistance to local policing authorities on ongoing or emerging public safety issues, providing help with criminal and non-criminal matters such as crime and accident scene management, transporting detained persons, taking witness statements, receiving reports from the public, and helping persons access victim support services” (Manitoba, 2024).

Creating change from a blank page is always challenging, but by remaining true to the original vision of special training (with support from the Provincial Justice Department) to provide trauma-informed, compassionate interventions will not only bolster the safety net but also provide a sense of safety for all citizens.

While the initial commitment is entirely for the Transit system, the future mandates of Manitoba’s Public Safety Teams will be broadened to address other social problems across our city. In our first few weeks on the ground, the Winnipeg Team has assisted people in crisis, saved a couple of lives with Naloxone and emergency first aid and intervened to quell hundreds of disturbances. Safety Officers also provide safe rides to community resources or call other agencies in to assist. Rolling out this new program, it quickly became clear that this new

element of public safety is restorative, can fill many systemic gaps and will take some of the burden off core emergency services.

The “safe ride” service is key. We are able to intervene and de-escalate conflicts and then provide voluntary transport to community resources, which fulfills a recommendation of Canada’s Truth and Reconciliation Commission (Christmas, 2020; TRC calls to action: 4.8, 8.1, 17.9). The Winnipeg office’s permanent sharing circle is an important fixture in the new problem-solving partnership approach we are taking. We bring service partners into the circle to collaborate on how we can all work better for the common purpose of improved safety for all. We have brought police into the circle and are soon expanding it to encompass the spectrum of government and non-government service providers.

Funding is in place to ensure the new Community Safety Team (CST) has the solid foundation needed to become a permanent fixture in the City’s public service structure and fill important gaps within the city’s service delivery network that have been leaving some out in the cold while eating up valuable police resources. My hope, which appears likely to come true, is that our trauma-informed restorative approach to public transit safety in Winnipeg will provide many lessons and best practices.

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RÉSUMÉ

Winnipeg's new Community Safety Team

ROBERT (BOB) CHRISMAS

Winnipeg Community Safety Team Lead

Le transport en commun à Winnipeg est rendu compliqué par les problèmes d'itinérance, de santé mentale, de surdoses et de violence liée à la drogue, surtout en hiver. M. Bob Christmas, chef de la nouvelle équipe de sécurité communautaire de Winnipeg, examine comment le Manitoba adopte son nouveau modèle de services de police à « plusieurs niveaux » (Loi sur les services de police, 2020). Le soutien de ces équipes favorisera une prise en charge communautaire, ce qui aidera à conserver des ressources policières et paramédicales pour des affaires criminelles graves. La formation des agents de sécurité communautaire vise à offrir des interventions adaptées aux traumatismes et compatissantes et à mettre les gens en contact avec les ressources nécessaires. Un cercle de partage permanent au bureau assure la collaboration avec la police d'un large éventail de soutiens gouvernementaux et non gouvernementaux pour faciliter le détournement des services d'urgence lorsque cela est possible.



By Dr. Robert (Bob) Christmas
New York: DOI Press. 2024.

A Call for Mandatory Human Trafficking Reporting for Temporary Foreign Worker (TFW) Status in Canada

CRYSTAL HINCKS¹, CAROLEE TURNER², AND JOHN WINTERDYK³

Temporary foreign workers (TFWs) play a crucial role in Canada's labour market, contributing to various industries and sectors. However, they often face vulnerabilities that expose them to exploitation and abuse in the workplace stemming from a complex interplay of factors, including their temporary immigration status, limited access to legal protections, language barriers, and dependence on their employers for work permits. These factors create power imbalances that can be exploited by unscrupulous employers, leading to situations of wage theft, unsafe working conditions, long hours without adequate compensation, and other forms of exploitation. Moreover, despite existing legal frameworks and advocacy groups' efforts, labour exploitation among TFWs persists, highlighting the need for more robust mechanisms to address these issues. Mandatory reporting, which requires employers to report any instances of labour exploitation or abuse, emerges as a potential solution to enhance protection for TFWs.

INTRODUCTION

Temporary foreign workers⁴ play a significant role in Canada's economy by filling labour shortages in various industries such as agriculture, construction, and hospitality (Government of Canada, 2023). The number of TFWs has increased steadily since 2017 (Lu & Hou, 2020), and, according to Statistics Canada, in 2019 alone, it was estimated that close to 470,000 foreign nationals obtained temporary work permits. However, the status of TFWs as non-citizens, in addition to strict immigration regulations that make them dependent on their employers for work, residency, and other supports, make them particularly vulnerable to labour exploitation and human trafficking (Salami et al., 2020; Vosko et al., 2019). They are often tied to a specific employer and can only change jobs with their employer's

sponsorship or approval from the government, making them dependent on their employer's goodwill. Also, due to the limited legal protections for TFWs, some employers have been known to withhold wages and documents (Beatson et al., 2017), threaten deportation or visa revocation (Vosko et al., 2019), and impose substandard workplace conditions (Moyce & Schenker, 2018), all of which can lead to abusive situations that may meet the criteria for labour exploitation and human trafficking (Zwaigenbaum et al., 2021).

In recent years, efforts have been made to improve the welfare of TFWs in Canada. The federal government introduced new regulations in 2019 for stricter employment and living standards, allowing workers greater flexibility to change employers. The

1. Mainspring Research Consulting

2. Calgary Centre for Newcomers

3. Mount Royal University (ret'd)

4. The classification of TFW also includes international students, who are uniquely vulnerable to exploitation as they pay higher tuition fees than domestic students and have historically only been able to work 20 hours per week while studying in Canada. As a result, many students looked to underground markets to earn enough income for tuition, housing, and living expenses (Canadian Centre to End Human Trafficking, 2023). In 2023, the Government of Canada removed this limit as part of a pilot study that would allow international students to work full time hours.

government has also established a national anti-trafficking hotline⁵ and funded various programs to help TFWs access legal services and support. However, increasing national immigration targets – for both permanent residents and TFWs – have outpaced the implementation of safeguards and support services, which has led to ongoing vulnerability to exploitation and trafficking among TFWs (CCTEHT, 2023). Additionally, there is limited evidence that these efforts have improved the identification and reporting of suspected or known instances of exploitation and trafficking in Canada (Conroy, 2022). As a result, we propose a provocative addition to Canada’s current HT and immigration legislation: mandatory reporting.

VULNERABLE POPULATIONS AND MANDATORY REPORTING⁶ IN CANADA

Current Mandatory Reporting Legislation

Over the last several decades, various pieces of mandatory reporting legislation have been enacted across Canada in response to increased public concern about the maltreatment of vulnerable populations, including children (Tonmyr et al., 2018), seniors (Mohd Mydin et al., 2020), and people of all ages with disabilities (Thomas & Reeves, 2022). Spencer (2016) outlines five critical features of mandatory reporting legislation that impact vulnerable populations: (1) a legal responsibility to report certain types of harms at certain thresholds about certain persons in specific settings; (2) reporting responsibilities resting on either all persons or some specific group of professionals (i.e., doctors, educators, etc.); (3) a place to report to such as a supervisor, law enforcement, specific social services (such as child protection agencies), or a specially established public body; (4) the need to override a person’s rights to privacy and confidentiality and to choose help for themselves; and (5) protections for reporting and penalties for not reporting.

Although the individuals mandated to report vary by province and territory, they generally include healthcare providers, educators, law enforcement, childcare providers, coaches and recreation leaders, counsellors, clergy, and other professionals who have contact with these populations (Thomas & Reeves, 2023). However, in Canada, mandatory reporting of sexual exploitation, forced labour, and human trafficking is limited to minor victims under the age of majority in their respective provinces and territories⁷. In such instances, individuals are legally required to report their concerns to law enforcement or a local child protection agency. However, as noted above, for adult victims of exploitation and trafficking-related offences, there are no expectations that concerns be reported to the appropriate authorities. In fact, for frontline workers employed in the public and private sectors, protecting the confidentiality and privacy of their client’s information is a professional, ethical, and legal obligation. Confidential information is, therefore, only disclosed when legally required or when the client has provided their consent (Freedom of Information and Privacy Act, 2023). Because of these privacy protections, it can be assumed that many cases of exploitation and HT risk are never reported to authorities, thus decreasing the likelihood of adequately protecting victims and prosecuting exploiters and traffickers.

Are Exploitation and Trafficking Victims Vulnerable?

Much of the existing human trafficking scholarship positions victims of this crime as ‘vulnerable’ due to such factors as adverse childhood experiences (e.g., previous abuse, neglect, child protection involvement, and family dysfunction) (Franchino-Olsen, 2021); poor cognitive functioning, mental health issues, or disability (Jagoe et al., 2022); ethnicity (Giammarinaro, 2022); cultural norms and practices (Schwartz, 2023); gender (Cameron et al., 2021); poverty or economic desperation (Schwarz

5. Canada’s National Human Trafficking Hotline was established in 2019 by the Canadian Centre to End Human Trafficking.

6. Other terms used in this context are ‘duty to report’ (DTR), ‘duty to warn’ and ‘duty to protect’. The concept of duty to report was first introduced in 1976 (see *Tarasoff v. Regents of the University of California*), where the concept dealt with DTR with a case in which a therapist failed to inform a young woman and her parents of specific death threats made by a client.

7. On May 11, 2023, Canada’s new Act on fighting against forced labour and child labour (Bill S-211) was passed and came into effect on January 1, 2024 – see <https://kpmg.com/ca/en/home/insights/2023/07/canadas-new-forced-labour-reporting-act.html>

et al., 2019), and immigration status precarity (Latham-Sprinkle et al., 2019). Given these and other intersecting vulnerabilities, coupled with the traumatizing and long-term impacts of exploitation and trafficking, victims could be considered ‘vulnerable persons’ in need of the same advocacy and protection afforded to minors and other vulnerable populations throughout Canada.

Pros and Cons of Mandatory Reporting Legislation

Mandatory reporting legislation aims to bring vulnerable and victimized persons to the attention of agencies that can protect and support them while increasing the detection and prosecution of perpetrators (English, 2017). However, there are unintended consequences and potential harms of implementing mandatory reporting laws in human trafficking cases. For example, advocates and survivors of sexual exploitation and trafficking have consistently highlighted the importance of letting victims make their own choices about when and to whom they disclose their experiences (Pataki & Robison, 2018). Accordingly, mandatory reporting laws may compel individuals or professionals to disclose information that victims would rather keep confidential, infringing upon victims’ and survivors’ rights to privacy.

Further conflating the issue, labour exploitation of TFWs is more prevalent, and they experience it differently than victims of sexual exploitation because their vulnerability is often exacerbated by language barriers, immigration status precarity, diminished knowledge of Canadian laws, fears of retaliation and/or deportation, and an increased likelihood that their exploiter is withholding their identification and other documents (Shamsudeen, 2022; Latham-Sprinkle et al., 2019). Furthermore, as Doyle et al. (2019) observed, victims of forced labour are underserved at every stage of the trafficking response continuum, from prevention and identification to protection and prosecution. Because of this complex mixture of vulnerabilities and sectoral inadequacies, TFWs arguably cannot always exercise their agency and find assistance if

they want/need it. However, it can be argued that interventions for victims of forced labour in the form of mandatory reporting laws may be the most ethical course of action. To illustrate this point, we present the following case study.

A Case Study⁸

In August 2023, the Centre for Newcomers Federal Youth Settlement Project (WRAPCAP) received a phone call from a partnering agency in Central Alberta stating that a couple from Eastern Africa had just walked into their office asking for assistance. The couple had used a private immigration consultant to immigrate to Canada as TFWs. The female arrived in Alberta, Canada, in May of 2023, but no one greeted her at the airport. When someone eventually arrived to pick her up, she was taken to a hotel to work. It is unclear how and when her husband joined her, and it is also unclear who held their identification and other documentation. The couple was given accommodations with relatives of the hotel owner and put to work.

After a short time, the couple became concerned about their employer. The couple had abruptly been moved from one city to another without any explanation. The female’s employment was terminated for unknown reasons, which caused her significant concern as she was on a closed TFW permit and could not freely apply for other jobs in Canada. The couple were then told they would be moved to another city in the province within twenty-four hours. They did not feel safe, found the entire situation suspicious, and wanted to leave but did not know how. Knowing that time was of the essence; the couple combed the city for help. After being turned away from two organizations due to their immigration status, they found an agency that recognized the signs of labour trafficking and called WRAPCAP. The couple’s basic needs were prioritized (i.e., food, shelter, and medical care), and they were subsequently connected to the Royal Canadian Mounted Police, Immigration Refugee Citizenship Canada, and other agencies that could offer further support.

8. Identifying information in this case study has been omitted to protect the victims. Coralee Turner (2023) (2nd co-author) provided the case study and its highlights at the Centre for Newcomers in Calgary, Alberta.

There had been numerous systemic failures in this case. The couple was supported by an 'immigration consultant' to enter the country, but they received no support from the individual or agency once they arrived. At least two immigration agencies refused to assist these TFWs because they were not permanent residents and thus did not meet the eligibility criteria for service. Perhaps most importantly, these agencies failed to recognize the primary indicators of human trafficking (i.e., forced labour) and contact appropriate authorities or agencies. Improved education and training for settlement and social service agencies would likely improve future responses in similar situations. Furthermore, because of the complex mixture of vulnerabilities and sectoral inadequacies, TFWs arguably cannot always exercise their agency and find assistance if they want/need it. Without mechanisms in place for forced labour victims to help themselves, it can be argued that interventions in the form of mandatory reporting laws may be the most ethical course of action to help victims avoid further harm by exploiters and traffickers.

CONCLUSION

Examining the pertinence and pragmatics of mandatory reporting laws in cases of forced labour presents a challenge for both proponents and critics of such measures, as both sides share the same goals: to protect and prioritize victims' safety, to ensure the well-being of foreign workers, and ensure individuals' fundamental rights are respected and enforced. In the absence of mandatory reporting laws or other safeguards to address the systemic issues that make TFWs vulnerable to exploitation and trafficking, governments, policymakers, anti-trafficking organizations, and survivors of forced labour must collaborate on a strategy to rectify this blatant void in Canada's immigration policies and anti-trafficking endeavours. For example, improved labour standards and enforcement, more accessible legal resources, and ensured access to basic needs and services without fear of being arrested, criminalized, or deported will help ensure that TFWs do not become subjects of exploitation or abuse while working in Canada.

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RÉSUMÉ

A Call for Mandatory Human Trafficking Reporting for Temporary Foreign Worker Status in Canada

**CRYSTAL HINCKS¹, CAROLEE TURNER²,
AND JOHN WINTERDYK³**

Inspecteur de police (retraîtée); conseiller du DTC

Les travailleurs étrangers temporaires (TET) jouent un rôle crucial sur le marché du travail canadien, en contribuant à diverses industries et secteurs. Cependant, ils font souvent face à des vulnérabilités qui les exposent à l'exploitation et aux abus liés au travail en raison d'un jeu complexe d'éléments, y compris leur statut d'immigration temporaire, leur accès limité aux protections juridiques, les barrières linguistiques et la dépendance à l'employeur pour le permis de travail. Des employeurs sans scrupules peuvent exploiter ces facteurs pour créer des déséquilibres de pouvoir, ce qui peut entraîner des vols de salaire, des conditions de travail dangereuses, des longues heures sans compensation adéquate et d'autres formes d'exploitation. De plus, malgré les cadres juridiques existants et les efforts des groupes de défense des droits, l'exploitation du travail parmi les travailleurs migrants persiste, ce qui souligne la nécessité de mettre en place des mécanismes plus robustes pour résoudre ces problèmes.

Sentencing, Time Served, and Monetary Value for Fine-Related Crimes

KARIME ELABDERRAHMANI

MA (Criminology); Correctional Peace Officer Supervisor at Alberta Justice and Solicitor General (Calgary, Alberta)

This article analyses the legal practices surrounding fine-option programs and provincial remission credits in Alberta and calls for a more universal and restorative approach. Imprisoning individuals who break the law has many goals. It shows society's abhorrence for certain antisocial behaviours and removes individuals from the community for a period of time, although high recidivism rates cast doubt on this system. Alberta has the highest number of prisoners in remand (70%) in Canada (2019). Unlike other sentences, individuals facing fines are not eligible for full remission credits for their time spent in prison. Applying a fine-option program, which is not uniformly available at all relevant facilities, and the provincial remand credit to prison time could address some of the financial and social costs associated with high incarceration and recidivism rates to meet the goal of public safety and a more resilient Alberta.

INTRODUCTION

Aside from the rare use of mandatory minimum sentences, the controversy over which involves removal of prosecutorial discretion, the Canadian legal system is well recognized by outside jurisdictions for its application and promotion of excellence in trial and sentencing procedures. The focus of this article, however, is not to explain these structures or the functionality of our criminal justice processes nor the impacts. Currently, those charged with a crime eligible for a fine as a type of sentencing in Alberta can be held in remand but, unlike someone facing a life sentence for example, are not eligible for remission credits related to the remand. As for any crime, prior to arresting any person or conveying them to a correctional institution, court services must issue an arrest warrant and a remanding document (Bourdon Defence Law, 2023). To obtain this, police follow specific rules and provide information alleging an offence was committed, including name or description of the suspect and the alleged offence. Eligibility for remission credits could help decrease the

incarceration period and lower the risks associated with having a high-percentage custodial population serving time for unpaid fines. Although the majority of fined offenders pay their fine, some are unable or unwilling to do so and as a consequence can be imprisoned, yet they will not benefit from remission credits.

FINE-OPTION PROGRAMS TO REDUCE TIME SERVED ARE ONLY AVAILABLE WITHIN SOME CORRECTIONAL FACILITIES

McIvor et al., (2013) emphasized that, although many jurisdictions have introduced other non-custodial measures to decrease the usage of fines, they remain a popular sanction. Given prison overcrowding, and the fact that short-term 'fine' sentences are substantially administrative endeavours with little-to-no rehabilitation potential, many jurisdictions have implemented other measures, such as unpaid work, to prevent imprisonment for fine default. In the province of Alberta, offenders with a fine sentence may be eligible to participate in the Fine Option Program (FOP), which allows them to work

a fine off if they can't pay it in a lump sum. To do so, the offender must meet the criteria and the program must be offered at the given correctional holding facility (Law Central Alberta, 2023), which may pose questions related to fairness. This process will affect the incarceration rate in Alberta and also generate financial incomes when the individuals continue their regular work, paying taxes, and fulfilling other personal responsibilities, such as to family. The government (and taxpayers) will also save on care and custody spendings.

Understanding fines and how they apply in the local legal system opens volumes of inquiries about remission. The fundamental rules in Canada are found under Section 6(1) of the Prisons and Reformatory Act (PRA):

"Subject to subsection (7.2): every prisoner serving a sentence, other than a sentence on conviction for criminal or civil contempt of court where the sentence includes a requirement that the prisoner return to that court, shall be credited with 15 days of remission of the sentence in respect of each month and with a number of days calculated on a pro rata basis in respect of each incomplete month during which the prisoner has earned that remission by obeying prison rules and conditions governing temporary absence and by actively participating in programs, other than full parole, designed to promote prisoners' rehabilitation and reintegration in accordance with any regulations made by the lieutenant governor of the province in which the prisoner is imprisoned". (Justice Laws Website)

Except when mandatory minimums apply, judges often opt for intermittent sentences and do so for many reasons including the importance of keeping citizens employed and associated benefits to the economy. As indicated earlier, the goal here is to spend less on housing detainees, providing them with food, medical care, and also the cost of staff involved in the process of detention. Simply put, remission stands for serving less time behind bars and persons arrested for fines should be eligible.

THE JUSTICE SYSTEM DOES NOT DISTINGUISH BETWEEN A PERSON COMMITTING A 'SERIOUS' OFFENCE AND SOMEONE UNABLE TO PAY A FINE

Remanding a person is a legal obligation if the criteria are met. Unfortunately, the justice system does not distinguish between a person committing a 'serious' offence or someone unable to pay a fine; both are subject to arrest and detention. On many occasions, both will be sharing a housing cell in a correctional institution where influence, shared thinking, and affiliation may take place. Criminal behaviour related to a simple low-monetary fine case may evolve into an aggravated violation or a continuous breaching of the legislation if the individual learns new criminal behaviour and develops violent approaches while serving time inside. Rushing fine cases into jails and excluding them from the privilege of serving less days for time served is not in anybody's interest. Our world must move toward being smart on crime, which implies switching towards smart prisons and decarceration (University of Chicago, Smart Decarceration Project, 2023). Alberta's Correctional System is at a loss when it comes to resolving these problems without assistance and coordination from court services or new legislation.

It is a high priority to consider further alternative measures to reducing the rate of recidivism in Alberta, and acknowledging the need for change is our way to safe and cost-efficient corrections. Most citizens are well aware that our correctional system remains unable to effectively reduce the rate of recidivism. As well, at 70 per cent, Alberta has the highest ratio of remanded adults compared to those incarcerated following sentencing. The rates in many provinces and all three territories are similar. For example, in 2019, Ontario and Manitoba each had rates of 69 per cent, followed by 65 per cent each in Nova Scotia and British Columbia, 62 per cent in Yukon, 58 per cent in the Northwest Territories and 55 per cent in Nunavut (Wakefield, 2019). There is also ample evidence proving that life in custody comes with negative exposure to authoritarian violence, radical thinking, gang affiliations and many other risks to mental health that collectively

contribute more damage than restoration. Aside from social costs and inherent risks to public safety, the financial cost of imprisonment per inmate is unfeasible.

CONCLUDING REMARKS

Findings by the UN Office on Drugs and Crime (UN-ODC, 2021) show “imprisonment... to be counterproductive in the rehabilitation and reintegration of those charged with minor crimes, as well as for certain vulnerable populations”. This coincides with Public Safety Canada’s long-standing position that “the use of imprisonment in order to deter criminal behaviour is without empirical support” (PSC, 1999). It’s an opportune moment to pay some attention to alternative justice solutions, such as implementing more restorative measures having less of an incarceration focus. For Alberta, making fine-option programs available at holding facilities and allowing the provincial full remission credit to apply to those facing fines would be steps in the right direction.

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RÉSUMÉ

Sentencing, Time Served, and Monetary Value for Fine-Related Crimes

KARIME ELABDERRAHMANI

M.A. (criminologie) ; Superviseur des agents de la paix correctionnels, ministère de la Justice et du Solliciteur général de l'Alberta (Calgary, Alberta)

Cet article analyse les pratiques juridiques entourant les programmes d'option-amende et les crédits de détention provisoire en Alberta et préconise une approche plus universelle et réparatrice. L'emprisonnement de personnes qui enfreignent la loi a de multiples objectifs. Il met en évidence l'horreur de la société envers certains comportements antisociaux et exclut certaines personnes de la communauté pendant un certain temps, malgré les taux élevés de récidive qui remettent en question ce système. L'Alberta a le plus grand nombre de détenus en détention provisoire (70 %) au Canada (2019). Contrairement à d'autres peines, les individus condamnés à des amendes ne sont pas éligibles à des crédits de détention provisoire pour le temps passé en prison. Appliquer un programme d'option d'amende, ce qui n'est pas offert uniformément, et le crédit, pourrait réduire des coûts financiers et sociaux associés liés aux taux élevés d'incarcération et de récidive afin d'atteindre l'objectif de sécurité publique et d'une Alberta plus résiliente.



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Barks Behind Bars: Prison Pet Programs Give Inmates a New Lease on Life and Animals a New Leash on Life

MIRANDA HENDERSON

Class of 2024

Bachelor of Arts – Criminal Justice, Mount Royal University (Calgary, AB)

Pet-in-prison programs benefit prisoners by motivating positive behaviour, promoting introspection, and teaching valuable skills that improve their job prospects. Participating prisoners have noticed “a shift inside of you where you begin to feel empathy” (Animal Planet, 2019). With Canadian animal shelters bursting at the seams, these programs also help communities solve the problem of domestic animals in need of help. Implementing programs within prisons that allow prisoners to care for, socialize, train, and affordably kennel animals would not only help house the overflow of animals and make them more adoptable but also help members of the public afford to own a pet, while providing service animals to our most vulnerable and giving inmates a new lease on life. Miranda Henderson is calling for Correctional Services Canada to use its successful Fraser Valley Institution Partnership, to introduce Pets in Prison restorative rehabilitation programs (which are self-financing) into more federal prisons.

With the plethora of animal videos everywhere online, you’d think our society prioritizes caring for animals; take a look in any animal shelter and you will learn the opposite. Pets have been a part of our society for ages, but not always in good ways—puppy mills, genetic defects caused by ‘pure’ breeding, and animal abuse persist. While seemingly mundane compared to these issues, overpopulation in shelters is a growing problem. Aside from fostering and euthanasia, there is presently no significant solution to address the staggering number of animals in shelters. For example, at almost double its capacity, the Calgary Humane Society has stopped taking in animals until things change (Franklin, 2023). One potential solution is to form partnerships between animal shelters and prisons, with prisoners providing homes, socialization, and training to animals that then go on to be adopted outside the prison. As the implementation of such programs in and outside Canada has shown, the benefits extend beyond the prison walls.

Pet in-prison programs have numerous benefits. They reap huge rewards for prisoners, pets and the general population, particularly vulnerable members. Pet-in-prison programs allow prisoners to learn valuable skills, including general pet care, grooming, claw clipping, minor medical interventions (prisoners in one prison learned stool (faeces) analysis, ear cytology, and training (Animal Planet, 2019) that helped them get employment when their sentence was over. Such programs also make adoption of the participating animals more likely by socializing and training them. The programs have proven beneficial for all animals but are especially good for ‘problem’ animals, which often have histories of abuse and are thus far less likely to be adopted. Many pet-in-prison programs home in on problem animals, like the KSR Camp K-9 (in Kentucky, USA) which pairs ‘problem’ dogs from the Humane Society with prisoners (Cellania, 2016). Prisoners who have themselves experienced abuse can empathize and see their own potential

through the animal's recovery (The Dodo, 2021). One participant in the Pawsitive Change Program in California "came out of [the program] as a better person. It made [him] question a lot of [his] behaviour and... own belief system" (The Dodo, 2021, 3:00). These programs show offenders they can build relationships and help others, allowing them to feel empowered to make positive changes, improve their self-confidence and reevaluate their belief system (The Dodo, 2021, 3:00).

An example of how such programs can be implemented to benefit the community is the Puppies Behind Bars program in New York (USA). This 25-year-old program teaches prisoners to raise and train dogs as service animals for veterans/first responders, police (to help with community/officer wellness), and explosive sniffing dogs (Puppies Behind Bars, n.d.). The impact these animals have on improving the quality of life of their owners is astronomical; studies have shown that a service dog can increase its owner's social interaction skills, perception of trustworthiness, empathy and cause a reduction in aggression (Beetz, 2012, para. 13-16). Access to service animals can be crucial to helping someone who has been traumatized to re-enter society and begin taking their life back. The current lack of service dogs has been caused in part by a lack of trainers (CTV News, 2017). Allowing prisoners to train service dogs almost guarantees the animal a good home, and the waiting list (especially for individuals with non-physical disabilities) is incredibly long and can even span several years for certain types of disabilities (CTV News, 2017).

While pets-in-prison programs are more prevalent in the USA, Canada has a few that highlight the benefits/potential within our own country and make a compelling argument for expanding them. The Correctional Services Canada website lists numerous pet prison programs around the world, including two in Canadian women's prisons: the Pawsitive Directions program at Nova Institution (which is still active) and the Canine Program at Burnaby Correctional Centre (Correctional Services Canada, 2013), which was shut down in 2004 (when the prison closed) and moved to the Fraser Valley Institution (Werb, n.d.). The Pawsitive Directions program has animal trainers teach inmates to train dogs taken into the program from shelters and rescues (Curwin,

2019). There are three phases to this program. In Phase one (which lasts about 3 months), the inmates walk the dogs and work with them in classes. They may also care for/teach tricks to a guinea pig or chickens, which helps them understand the fundamentals of animal training, such as timing and reinforcement (Curwin, 2019). In Phase two (which lasts 6-12 months), an inmate has the dog with them full-time and cares for all their needs (Curwin, 2019). In Phase three, service dog training begins (Curwin, 2019).

Graduate dogs have become pets, service animals and even therapy dogs; one participant expressed that being able to give back to a community harmed by their actions was a very impactful part of the program (Curwin, 2019). The process of working with the dogs and then letting them go to loving families helps inmates develop skills like self-esteem, confidence, assertiveness, emotional management/labelling, following rules, coping with failed plans/creating new ones, healthy boundary creation, and how to healthily let go (Curwin, 2019). Training the dogs can be therapeutic and can help women form relationships as the "dogs are a bridge between the women; they break down barriers that might otherwise not be broken down" (Curwin, 2019, p.2). The dogs have a calming effect, and prisoners in the program often act more positively in unrelated areas because they want to maintain the privilege of being in the program (Curwin, 2019).

PARTNERSHIPS BETWEEN ANIMAL SHELTERS AND PRISONS: THE UNTOLD BENEFITS

The Canine Program at the now-defunct Burnaby Correctional Centre focused on helping inmates develop skills but also provided a needed service for the community, although it missed out on helping shelter animals. From eight to fourteen women at a time would work at a kennel located on the prison grounds where they would earn dog grooming and training certificates (Werb, n.d.). The kennel was popular with the public, guaranteeing ten walks a day and was booked from six to eight months in advance (Werb, n.d.). Many of the women in the program had never held a job, so the program taught them valuable people skills, self-control, and vocational skills (Werb, n.d.). Many of the inmates, after finishing their sentences went on to get jobs in pet-related fields and attribute much of their success

to the program (Werb, n.d.). The program has been re-implemented at Fraser Valley Institution through a partnership between Correctional Services Canada and Langley Animal Protection Society (LAPS); the program is called the “Doghouse” (Langley Animal Protection Society [LAPS], n.d.).

More than 400 women have gone through the Doghouse program at the Fraser Valley Institution since it started in 2006, with around twenty women participating in the program each year (Kelly, 2023). The program teaches inmates how to handle, train and groom dogs (LAPS, n.d.). The inmates at this federal prison for women “acquire both industry-specific and general employment skills along with certificates in Canine First-Aid, Groomer’s Aid, Professional Dog Training and Kennel Attendant Levels 1 & 2 (LAPS, n.d.). For program participants, the skills they learn in the program become a “tool in their kit to lead a law-abiding life once they are released” (Kelly, 2023, para. 55). Shelter dogs are taught leash manners, not jumping up, and being around other dogs so they are more adoptable (Kelly, 2023). The program takes in animals from the Patti Dale Animal Shelter and also has a boarding and training facility for the public to use (LAPS, n.d.). The program is not only self-funded but has extra revenues put towards LAPS (n.d.) in-house adoption program.

PET PRISON PROGRAMS IN CANADA SHOULD BE EXTENDED TO PRISONS FOR MEN

One consideration of the active Canadian pet prison programs is that they are only in women’s prisons; it’s vital to extend these programs to male prisons as men can also benefit from them. Some of the public may object to these programs out of concern for the animals, but such concerns are unfounded and discriminatory; the risk is extremely low due to the screening of inmates to ensure only non-violent, well-behaved prisoners can take part (Nwoko, 2018, Para. 6). In fact, these programs incentivize good behaviour; even when animals were available to

prisoners in non-official contexts (stray cats entering a prison yard), prisoners positively change their behaviour to ensure they could interact with and protect the cats in the yard (Maynardcat, 2016). Another objection some may raise on moral grounds is that prisoners should not be allowed to keep pets when members of the public cannot afford them (Hannah, 2015). In the author’s opinion, this opposition to pet prison programs is extremely shortsighted. While it is unfortunate that many people cannot afford pets, it is a separate problem that could be addressed by reducing the barriers to pet ownership (such as the limited number of rentals allowing pets, veterinarian fees, and a lack of affordable kennels). In truth, prison pet programs make owning a pet easier for members of the public by training problem animals and providing affordable daycare/boarding services (Kelly, 2023) for short stays such as during family vacations or business trips.

Pet prison programs offer a logical short-term solution to dealing with the overcrowding in shelters and associated euthanasia or turning away of animals while also helping to motivate/teach prisoners and provide vulnerable community members with the support they need to own a pet. While the idea is outside of the traditional retributive prison model to which many subscribe, the benefits to humans and animals alike are indisputable. A paradigm shift toward this type of rehabilitation approach is warranted. With so much purr-tential to change the lives of inmates (while in prison and post release), animals and communities for the better, pet prison programs receive two tails up from me. This author hopes to see Correctional Services Canada use its Fraser Valley Institution Partnership with Langley Animal Protection Society as a model for introducing more prison-shelter partnerships into the Canadian criminal justice system moving forward.

Note: In this article, “this author” refers to Miranda Henderson.

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RÉSUMÉ

Barks Behind Bars: Prison Pet Programs Give Inmates a New Lease on Life and Animals a New Leash on Life

MIRANDA HENDERSON, CLASS OF 2024

Bachelor of Arts – Criminal Justice, Mount Royal University (Calgary, AB)

Les programmes d'animaux de compagnie en prison sont bénéfiques. Ils encourageant les détenus à adopter un comportement positif, favorisent l'introspection et améliorent leurs perspectives d'emploi après leur libération. Les détenus participants ont remarqué un changement à l'intérieur face à leur ressentiment de l'empathie (Animal Planet, 2019). En dépit du surplus d'animaux dans les refuges pour animaux, ces programmes aident aussi les communautés à résoudre le problème des animaux domestiques sans accueil. La mise en œuvre de ces programmes permettre aux détenus de prendre soin des animaux de chenil, de les socialiser, de les dresser, de les héberger et de les préparer à être adoptés, ce qui aident également les membres du public de posséder un animal de compagnie, tout en fournissant des animaux d'assistance et en donnant aux détenus un nouveau souffle de vie. Miranda Henderson demande que le Service correctionnel du Canada instaure davantage de programmes de réadaptation pour les animaux de compagnie dans les prisons fédérales.

The Psychopharmacological Haze: Vilification or Decriminalization

MEGAN DAVIDSON

MRes (Class of 2024), BA, FRSA, RSE

Criminological Research Student at the University of Liverpool

Drug addiction and drug-related crimes are sweeping across nations, making it more pressing than ever to understand the social drivers pushing individuals doing a dangerous dance with drugs to the margins of society. Societal perceptions, sentencing measures and inadequate support systems all figure in this vicious cycle. Drug court is a transformative approach to crime and addiction, but adoption is threatened by problems related to funding and implementation failures. This article takes a brief look at addiction and the larger societal ramifications within a framework of drug-dependent crime in Canada and England and Wales.

The impact of drug misuse (aka abuse), including harm to individuals caught in its grasp and to their communities, is recognized worldwide. Researchers such as Young et al. (2021) and Zhong et al. (2020), among many others, connect drug misuse and crime. This short article is not meant to supply all the facts or to posit ground-breaking analyses of drug-dependent crimes but to spur discussion on the very complex issue of drug addiction in Canada and England and Wales within a framework of criminal justice¹. While this scope makes an inclusive discourse regarding the sociopolitical contexts of drug use and drug treatment courts (CTD) impossible, the article aims to promote a better understanding of drug-dependent crime² through a brief comparative analysis.

Drug abuse is at an all-time high in Canada and England and Wales. In Canada, Ontario had the highest number of opioid-related deaths in 2022, twice as many as in 2018, followed by British Columbia, which declared it a public health emergency in 2021 (Statista, 2022). Belleville, Ontario (which has no detox centre) has just declared a state of emergency in response to 17 overdoses within 2 hours in the city core on February 6 (Gibson, 2024). Certain regions of England have seen the highest rate of drug poisoning deaths since 2010, while the rate in Wales in 2022 was the highest since recording practices were implemented in 1993 (ONS, 2022).

1. See Belzak and Halverson (2018) and Fischer et al. (2022) to expand this discussion.

2. It should be noted that the terms 'drug-dependent crime' and 'drug use-related crime' are, for the sake of brevity, used interchangeably herein to mean substance misuse that brings criminal behaviour. These terms are markedly different from 'drug-related crime', which connotes drug trafficking or production.

In terms of drug-related crime, Young et al. (2021) found that 42% of crimes committed in Canada between 2006 and 2016 were related to substance misuse. This comes at a time when the academe is expanding the lacuna around drug use disorders and crime. It also points towards the Liberal government ameliorating part of the Controlled Drugs and Substances Act by removing the mandatory minimum penalties on certain drug supply offences in 2021 (Fischer et al., 2022) and to the nascent chorus of decriminalization to stem overdose deaths resulting from ‘bad street drugs’ in British Columbia (Ali et al., 2023).

In England and Wales, with “1 in 8 arrestees” misusing heroin and/or crack, between 33% and 50% “of all acquisitive crime” is estimated as being drug-related (UKDPC, n.d., p. 1). This coincides with policy overhauls to increase sentencing and punitive measures throughout the justice system, from policing to courts and penal systems in England and Wales, which aims to “protect the public by ensuring dangerous criminals are kept in prison for longer” (Ministry of Justice, 2020, para. 1). This has raised political hackles toward an ever-increasing retributive correctional system in Britain and feeds into the narrative surrounding the public’s views on illicit drug use, creating yet another vicious cycle of stigma (see Siddique & Syal, 2023).

While we see Canada and England and Wales diverging in political action towards illicit drug use, the underlying reasoning for both may be closer than one would think. The amelioration of policy—towards either decriminalization or criminalization—has no mechanism to correct the social drivers of addiction. How do we combat parochial discussions—nay, advance the discussion of destigmatizing drug use to aid those stuck within in its vicious grips or as concerns rehabilitation and reintegration into society without the constant vilification and objectification that comes with our retributive societal mores? Drug misuse is both a

public health issue and a criminal justice issue in Canada, England and Wales. We must, therefore, ask ourselves, is drug-dependent crime a precursor to criminality or a symptom of a larger societal fault? How can we continue to embrace parochial retributive ideals in our policy and justice systems without the introspection needed to continue moving society forward? What next steps must we take to move toward a restorative societal framework?

Drug courts are an option that creates justice anew. A form of transformative justice, DTCs address the role of drugs in criminal behaviour, including recidivism and mental health issues increasingly thought to predate drug misuse (see Mills, 2015), which helps decrease the stigma associated with illicit drug use across the board as well as establish effective community supports to counter addiction and spur research into the social drivers of addiction. While the success of such therapeutic courts is still under question, cost and funding lapses, lack of consistent implementation, and frequent staff turnover, among others, have been raised as potential reasons (UK Parliament, 2023), which coincide with critiques despite the overall successes of DTCs in Canada (ICCLR, 2021).

Toronto DTC was established early, in 1998, and over two dozen more were created in Canada before DTC funding was expanded in 2019. The UNODC (1999) has framed DTCs as a possible solution to drug-related recidivism. This forward-thinking alternative to punitive measures has been touted as “more effective in reducing ongoing drug abuse and criminal behaviour (during the programme and afterwards) than either imprisonment or treatment and rehabilitation in which the court is not actively involved in an ongoing way” (UNODC, 1999, p. 6). As an interesting aside, the first DTC in the United States was established in 1989, the nation counted 1700 DTCS as of 2019, and the “2022 National Drug Control Strategy states that alternatives to incarceration such

as drug courts can enhance long-term public safety, reduce recidivism, and save tax-payer dollars” (GAO, 2023).

La Prairie et al. (2002) highlighted a key success factor when it comes to Canadian DTCs: “The nature of Canadian society and the functioning of the criminal justice system may be important influences on the retention and graduation levels of drug treatment court participants” (p. 1536). Despite DTCs growing in number over the past five years—with the additional funding to create 25 more courts (Federal Budget, 2021)—we still see significant issues with staff turnover (which is important given the therapeutic function), funding for the courts themselves and their programming, and accessibility (Government of Canada, 2022).

Another challenge of drug courts is the complexity of the participants’ mental health issues and the type(s) of drugs being misused (Government of Canada, 2022). This is not a geolocational struggle; it is faced worldwide and likely aggravated by the psychological, financial and emotional impacts of COVID-19.

As of 2002, there were no official drug courts in England or Wales (Bean, 2002), and the (pilot) drug courts established mainly in the early 2000s were discontinued (Mentzou & Mutebi, 2023). The pilot drug courts were located in Leeds Magistrates’ Court (which had an existing court model dating back to 2001) and West London Magistrates’ Court³ (Ministry of Justice, 2008). These courts faced issues similar to the Canadian DTCs, with high staff turnover, namely magistrates’ bench or district judge, funding limitations, and low throughputs to justify court services (Ministry of Justice, 2008).

England and Wales frame “drug use as something deserving of punishment” (Holland et al., 2022, p. e219). However, in 2023, England and Wales launched two Intensive Supervision Courts (ISC) for drug-related crimes. These “Problem-Solving Courts” are similar to drug courts but are designed to force “drug and alcohol abusers to tackle their addiction head-on or face tough consequences” (Ministry of Justice, 2022, para. 1; Mentzou & Mutebi, 2023). We may see a shift in the long-standing retributive mores from these actions; but this is just a start; much more is needed to create a societal shift.

DTCs represent a step toward treating mental health issues caused by trauma and better understanding the relation of such illness to drug addiction and, in turn, to criminal behaviour and recidivism. Despite challenges, the successes of and achievements through DTCs globally and their continued adaptation may offer a way to shift from our parochial retributive ideals toward rehabilitation, second chances and a better world.

3. As per the Ministry of Justice (2008), these pilots were informed by case studies from Ireland, Scotland, and West Yorkshire informed the drug court movement in England and Wales.

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RÉSUMÉ

The Psychopharmacological Haze: Vilification or Decriminalization

MEGAN DAVIDSON

MRes (Class of 2024), BA, FRSA, RSE, Étudiant en recherche criminologique à l'Université de Liverpool.

La toxicomanie et les crimes liés à la drogue balaient les nations. La compréhension conceptuelle des moteurs sociaux qui incitent les individus pratiquant une danse dangereuse avec la drogue à s'échapper de la société est plus cruciale que jamais. Les perceptions sociétales, les mesures de détermination de la peine et les systèmes de soutien inadéquats font tous partie d'un cercle vicieux. Le tribunal de la drogue est une approche transformatrice, mais l'adoption est menacée par des problèmes liés au financement et aux échecs de leur mise en œuvre. Cet article examine brièvement la toxicomanie et les ramifications sociétales plus vastes dans le cadre des contrevenants toxicomanes au Canada, en Angleterre et au pays de Galles.



SPECIAL SECTION ON SEXUAL ASSAULT

**SECTION EDITOR NATALIE SNOW (PHD)
PROFESSOR, HUMBER COLLEGE (ONTARIO)**

Sexual Violence and the Criminal Justice System: Victims Deserve Better

NATALIE SNOW, PHD

Professor of Criminal Justice (BSSCJ), Humber College (Ontario)

Police-reported sexual violence has not only been steadily increasing in recent decades – it is also the only violent crime in Canada not declining. Sexual assault is also severely underreported for a variety of systemic reasons both within Canadian society and the criminal justice system. In this lead article, Guest Section Editor Dr. Natalie Snow, along with two co-authors, reports on various aspects of a vicious cycle of stigma and myth that keep sexual assault on the rise and underreported – from the need for a better understanding of sexual violence in the drug-using population, the impacts of court publication bans for survivors, the importance of including the voices of lived experience (by Mia Hershokowitz) in studies, the ‘old’ rape myths in society, the persistence of victim blaming by police/courts and the rape culture in post-secondary institutions (Brook Madigan), to the sensitive issue of how publication bans threaten the open-court principle.

The prevention of and response to sexual violence impacts Canadians across the country. I am thus pleased to be Guest Editor of this Special Section of CCJA's *Justice Report* on Sexual Violence and Victimization. April is Sexual Violence Prevention Month, making it a perfect fit for the Spring issue of the *Justice Report*. While a comprehensive analysis of sexual violence in Canada is clearly beyond the scope of this section, the content is sufficient to illustrate the need for more research toward a paradigm shift within the criminal justice system as regards the treatment of sexual assault victims. In this lead article, I introduce the topic and authors of

this Special Section and take a step back in time to illustrate that the issues around sexual assault—the shame and fear typically experienced by survivors through the criminal justice system, the media and society—are nothing new and some are quite contentious, including the debate on whether publication bans threaten the legal system within a context of the open court principle.

According to YMCA Canada in 2012, “there are “460,000 Sexual Assaults in Canada every year”, “33 out of every 1,000 are reported to the police, 29 are recorded as a crime, 12 have charges laid, 6 are

prosecuted, and 3 lead to a conviction” (HuffPost, Oct. 30, 2014). Police-reported sexual violence has been on a steady increase over the last 10 years but it is also the most unreported crime (i.e., less than “10% in Canada” overall and 6% in Toronto) (StatsCan, 2014) and “is the only violent crime in Canada not declining” (CCJCS, 2022). In 2018, there were 27,909 police-reported incidences of sexual assault in Canada, in 2019 there were 30,335 reported incidences and in 2021 there were 33,521 reported incidents, which represented the highest police-reported numbers since 1996 (Canadian Centre for Justice and Community Safety Statistics, 2022). While Statistics Canada has reported a significant decrease in 2020, it is attributed to under-reporting during the first lockdown (CBC, August 2020; CityNews, 2023). In 2022, the rate increased by 3%, which represented approximately 636,000 self-reported incidents of sexual assault, and the incidence of level 1 sexual assault has also been increasing since 2014.

In Canada, certain individuals are disproportionately affected by this form of victimization due to systemic social issues, including child abuse. Correlations between colonial violence and the prevalence of sexual violence against Indigenous women in contemporary times (Monchalin, 2016) illustrate the systemic nature of this scourge. “The systemic failure to address sexual abuse within the RCMP” is evidenced by the 2021 establishment of the Independent Centre for Harassment Resolution (ICHR) “following a landmark class-action lawsuit that resulted in the government paying more than \$125 million to 2,304 female RCMP members who experienced sexual assault and harassment in the line of duty” (Conversation, 2023). The systemic character of sexual assault in Canada is also illustrated by its prevalence within the Canadian Armed Forces (National Defence & CAF, 2022). Within Canadian society, the rate of sexual assault victimization among women was over five times higher than for other forms of violent crimes; yet only a small percentage (14%) of those who experience violent victimization seek assistance from crime victim services (see CCJCSS, 2022). The issue is exacerbated by the fact that the actual prevalence of sexual violence in Canada is considerably greater than the statistics reveal. This helps us understand why efforts to stem the rise in sexual assault have failed and continue to fail.

Why such a disparity? Along with my exploration here of the definition and rates around sexual abuse, contributing social issues and non-reporting, which also relate to the contentious issue of publication bans, the articles in this Special Section suggest there are several inter-related reasons. Brook Madigan equates the ‘old’ rape myths in society, the persistence of victim blaming by police and the courts, and the rape culture in post-secondary institutions with the ongoing prevalence of sexual violence. In so doing, Madigan helps readers understand Canada’s critical need for a cohesive strategy of accessible community support for our most vulnerable women including those with drug dependencies. Sexual violence in the drug-using population and the need to include the voices of lived experience in studies are the contexts engaged by Mia Hershokowitz, who writes from a front-line viewpoint on the drug-using population and their experiences of sexual violence. Pointing out that rates of sexual violence are higher for drug users, Mia also questions whether this population receives enough support to address their heightened risk.

Secondary victimization characterizes the experiences of victims within the criminal justice system. What’s being done about it in 2024?

“Sexual assault victims have historically been mistreated and silenced by the criminal-legal system (Lorenz et al, 2021). As noted, few sexual assault survivors report the assault to law enforcement (Lorenz et al., 2021) – in the 2014 General Social Survey, 83% of sexual assault survivors did not report to law enforcement (Statistics Canada, 2019). Most sexual assault survivors do not report due to fears of mistreatment, not being believed, being harmed or revictimized by the interactions, feeling shame or embarrassment, or having no family support (Lorenz et al., 2021; McQueen et al., 2021; Northcott, 2013). It is ironic, therefore, that the aim of amendments in 1983 -- replacing the offences of rape and indecent assault in the Criminal Code (s 271) with three new offences of sexual assault -- was precisely “to increase the number of victims reporting” and “the number of cases in which a charge is laid” and also to “reduce the number of reports classified as “unfounded” (Roberts & Gebotys, 1992). After the writing of this Special Section and just prior to publication of this issue of the *Justice Report*, Canada’s Federal Ombudsperson for Victims of Crime Ivan Zinger (11 March 2024) launched a “systemic

investigation into the treatment of survivors of sexual assault in the Canadian Justice System”.

INTERSECTIONAL IDENTITIES: AN EVEN BIGGER PICTURE OF SEXUAL ASSAULT

While women have traditionally been the main targets of sexual assault, a staggering 70% of transgender youth in Canada today report experiencing sexual harassment, with over one third of those aged 14-18 disclosing being physically threatened or harmed in the past year. Examining lack of reporting through an intersectional lens, Justice Canada completed three studies with survivors from various sub-populations. In the sample from Northern Canada, 56% did not report to police, while 68% of the male sample did not report. Sexual assault rates were notably elevated among 15 to 24-year-olds (103 per 1,000) and 25 to 34-year-olds (50 per 1,000) compared to other age groups. Bisexual individuals face disproportionately high rates of sexual assault, experiencing 541 incidents per 1,000 population—almost 29 times higher than the rate among Canadians who identify as heterosexual (19 per 1,000). According to Ontario-wide research (TransPulse), transgender individuals are frequently subjected to targeted violence; 20% have experienced physical or sexual assault due to their transgender identity, while an additional 34% have faced verbal threats or harassment (Bauer & Scheim, 2015). Overall, “Bisexual-identifying individuals appear to be at increased risk of experiencing intimate partner violence (IPV) compared to people of other sexualities” (Corey, Duggan, and Travers, 2023).

Women with disabilities also encounter a significantly elevated risk of sexual assault. With 94 incidents per 1,000 in 2019, the rate is over four times higher than that among women without disabilities and surpasses the rates for men with or without disabilities (Cotter, 2021). Young people belonging to marginalized sexual and racial groups are disproportionately susceptible to being targeted by sexual harassment (Pittman et al., 2022). Black women encounter numerous systemic obstacles when reporting incidents of sexual violence and interacting with the criminal justice system as victims of crime (Cossins, 2003; Pietsch, 2015; OCRCC, 2022).

Recovering from Victimization Takes Time and A Spectrum of Integrated Resources.

Sexual violence does not only cause harm at the time of the offense. The act of sexual violence tears at the survivor’s self-worth, autonomy, and safety. The role of drug dependency, a factor in Mia Hershokowitz’s victimization-addiction-sexual assault triad, must not be understated either in terms of how it can both be caused by and set the stage for victimization or that social stigma and myth are enablers. The impacts of abuse and neglect can include drug dependency, as indicated by the Truth and Reconciliation Commission (2012) explorations of the legacies of Canada’s Residential School System. Indigenous women and girls are also 16 times more likely to be murdered or go missing compared to other Canadian women (National Inquiry into Missing and Murdered Indigenous Women and Girls, 2019). The systemic discrimination within the criminal justice system can evoke and/or perpetuate feelings of self-worth and even fear in some cases. This has traditionally been called “victim blaming” and “double victimization”, which Brook Madigan explains using two figurative scenarios in her article.

For victims of sexual violence, due to the nature of the crime, feelings of shame and stigma are ever-present. Sexual offence victimization is stigmatized and victim-blaming is systemic, making it is easy to understand why someone might not want to report such a crime in case what has been done to them might be made public. The adverse effects of sexual assault are substantial, causing enduring and widespread impacts on its victims (Haskell & Randall, 2019).

Severe lack of reporting of sexual assault contributes to the public lack of confidence in the police.

Certainly, throughout the past forty years, activists and scholars in victimology have consistently highlighted deficiencies within the criminal justice system’s handling of sexual violence cases. These inadequacies encompass issues ranging from underreporting to flaws in investigative and judicial procedures. Justice Canada studies report that two-thirds of participants expressed a notable lack of confidence in the police, court proceedings, and the

overall justice system, and very few expressed high levels of confidence (Northcott, 2013; Illingworth, 2019; See also Wemmers et al., 2023). It is safe to surmise that this affects the overall level of public confidence in the justice system. Notably, a higher percentage of participants from both male and female samples in the provinces reported trusting the police compared to those in the Northwest Territories. The obstacles to delivering support to victims of domestic violence in rural and Northern regions are also well known and include concerns regarding limited-service availability and transportation, as well as isolation and associated communication difficulties.

Needless to say, it is widely recognized on an international scale that victims of sexual violence often face revictimization or perceive a lack of justice in their interactions with the criminal justice system. Law enforcement inadequacies in dealing with sexual violence survivors are well-documented but less is known academically about the Canadian court experience. Overall, Canada is clearly failing survivors of sexual violence (Bellehumeur, 2020).

COURT PUBLICATION BANS VS. FREEDOM OF EXPRESSION

Privacy is often an important consideration due to the nature of the crime of sexual assault and the associated myths and stigma. On the other hand, “Excluding “the public from court proceedings or banning the publication of information about the trial process undercuts one of the ‘core’ values [protected by s.2(b)] of the Charter’s guarantee of expressive freedom [982]” (Cameron, 2003, p. 3). The 1991 ruling in *R v Seaboyer*, *R v Gayme* generated much public outrage in striking down the rape shield laws, which led to a reduction in reporting and the ability to defense attorneys to interrogate a victim’s personal sexual history and to request third party records (i.e., counsellor) (McIntyre, 1994). In response to the Supreme Court of Canada decision, the Department of Justice held consultations and introduced new legislation (Bill C-49) to counteract its effect by codifying consent among other (McIntyre, 1994). Canadian sexual assault legislation was amended significantly in 1983, 1987, 1992, 1996, and 1998 (Busby, 2019) to address various issues such as eliminating biased evidentiary rules, abolishing the necessity of penetration for a sexual assault accusation, enhancing legal provisions concerning offenses

involving minors, clarifying consent criteria, harmonizing the rights of both victims and offenders, and establishing a specific sexual exploitation offense tailored to individuals with disabilities (Busby, 2019). The 1996 reform objective was to restrict the use of records in court (Busby, 2019) to allow the victim public anonymity to protect their or a witness’s privacy without suffering negative consequences. Furthermore, in cases where identifying the accused would also identify the victim (e.g., in the case of a sexual assault perpetrated by the victim’s partner or another family member), the accused’s name was included in the information not to be published. Today, such court-imposed publication bans are based on many factors, including protecting vulnerable witnesses, protecting the privacy of people participating in the justice system and encouraging frightened witnesses to testify (Canadian Resource Centre for Victims of Crime, 2022).

In 2021 in Waterloo Region, Ontario, a publication ban was misused by the survivor herself, resulting in a disturbing miscarriage of justice. Following a sexual assault case where the assailant was charged, prosecuted, and convicted under a publication ban, the survivor shared the transcript of the proceedings with her support system (family and close acquaintances). Notably, she did not distribute the transcript on social media platforms, nor did she provide it to the local newspapers; rather, she shared it with individuals who were aware of her ordeal as a survivor of sexual assault. Regrettably, this action came to the perpetrator’s attention who subsequently filed charges. The Crown Attorney pursued prosecution, and the woman ultimately pleaded guilty, resulting in a penalty of a \$2,000 fine and a \$600 victim-fine surcharge. This outcome stands as a stark example of the contentious nature of publication bans. Court publication bans on identifying victims of sexual violence have gone through numerous changes over the years.

Under Bill S-12 (October 26, 2023), An Act to amend the Criminal Code, the Sex Offender Information Registration Act and the International Transfer of Offenders Act, prosecutors are mandated to notify individuals subject to a publication ban about its existence and their right to seek its modification or removal. The amendments specify permissible communication that does not breach the ban,

including disclosure to legal representatives, healthcare providers, or trusted acquaintances. The revisions also streamline the process of modifying or lifting the publication ban in most instances. When an individual under a publication ban requests its alteration or removal, the prosecutor must act on their behalf. In cases where such a request is made, the court is mandated to modify or annul the ban without a formal hearing. However, a hearing is convened when the privacy rights of another person are at stake. In these situations, the court must assess whether it can adjust or lift the ban in a manner that safeguards those privacy interests. Notably, the accused is not permitted to provide input during this application process. Bill S-12 received royal assent on Oct. 26.

CONCLUDING THOUGHTS

As Guest Editor of this Special Section of the *Justice Report*, I aimed for an overview of the most relevant issues pertaining to sexual assault, including sexual violence in the drug-using population, the need to include the voices of lived experience (see Mia Hershokowitz) in studies and set of society's 'old' rape myths straight, the rape culture in post secondary institutions (Brook Madigan), the persistence of victim blaming by police/courts, the historically severe under-reporting, and the ongoing question as to whether publication bans related to sexual assault threaten the open-court principle as they do in other cases. While there has been a shift in recent years toward a better understanding of what victims of sexual violence want/need from the criminal justice system (court publication bans) and how/by whom sexual violence is experienced, we have a long way yet to go. As a society, we are beginning to have a more nuanced understanding of violence, but much more will be needed to change attitudes and behaviours around sexual violence. The only violent crime on the rise in Canada, sexual violence remains starkly under-reported to law enforcement and this has triggered deep critiques of the criminal justice system's ability to provide survivors a supportive (and non-traumatic) environment. Although some progress has been made in giving autonomy and power back to victims, the stigma and myth that keep sexual assault on the rise and underreported must be actively countered not only in the criminal justice system but also in our public institutions and within society at large.

RÉSUMÉ

Sexual Violence and the Criminal Justice System: Victims Deserve Better

NATALIE SNOW, PHD

Professeure - Criminal Justice (BSSCJ), Humber College (Ontario)

Au cours des dernières décennies, la police a constaté une augmentation constante des cas de violence sexuelle. L'agression sexuelle, le seul crime violent au Canada qui ne cesse d'augmenter, est également fortement sous-déclaré pour diverses raisons systémiques, tant au sein de la société canadienne. La rédactrice invitée de cette section, la Dre Natalie Snow et ses deux co-auteurs rendent compte de divers aspects de ce fléau - de la violence sexuelle dans la population toxicomane, des interdictions de publication par les tribunaux pour les survivantes, de la nécessité d'inclure les voix de l'expérience vécue (par Mia Hershokowitz) dans les études, des « vieux » mythes sur le viol dans la société, de la persistance de la culpabilisation des victimes par la police et les tribunaux, et la culture du viol dans les établissements d'enseignement postsecondaire (Brook Madigan), à la question de comment les ordonnances de non-publication menacent le principe de la publicité des débats judiciaires.

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Unequal Access to Justice for Vulnerable Women Who Use Drugs: Sexual Victimization, Trauma and the Impact of Stigma

MIA HERSHKOWITZ, PHD (C)

Policy Studies & Harm Reduction Worker (Ontario)

Far from having a strategy or plan to support vulnerable women in our society, Canada needs to work to ensure that community supports are available and accessible to vulnerable women, including those who have substance and drug use dependencies. Perhaps then the link between victimization, drug use disorder, and sexual violence will come into focus for the public. Sexual abuse, rape culture, double victimization (i.e., within the criminal justice system), and a lack of effective and accessible protection for vulnerable women continue to be prevalent in Canada. Mia is calling for a final shift away from blame-the-victim mentalities in Canada toward effective responses by our practitioners and educators to counter the stigma associated with sexual assault as experienced by the most vulnerable members of our communities. This will require the criminal justice system and communities to include the voices and stories of these victimized women in ways that ensure policy and law makers, police, courts, defense counsel, and the general public hear them loud and clear.

Who comes to mind when you think about victims of sexual abuse? Who does society recognize as the “real” or “ideal” victim and who is seen as being responsible for their victimization (Randall, 2010)? The ‘blame the victim’ theme played out historically persists in present day when it comes to sexual violence (Dick, 2020). From this optic, the question “What were you wearing?” remains a typical response to the statement, “I was raped”. A common stigma related to victim blaming is that the sexual assault was motivated by the fact the victim was wearing a “provocative” outfit. While such statements may be clichés, misogynistic attitudes

nonetheless persist today, much to the detriment of those being victimized (Cherniawsky & Morrison, 2022). According to a Statistics Canada (2020) report, 20% of women victimized by sexual assault are made to feel it was their fault. In 2022, a clear example of victim blaming took place during the very public trial of the disgraced Canadian rock star Jacob Hoggard, who was subsequently found guilty of sexual assault causing bodily harm. His defence team alleged the rape accusations against him were founded on a fabricated “rape story” (Loriggio, 2022). The media sensationalized the defence team’s claim - that Hoggard’s accuser was nothing but a scorned

lover thinking the sex would lead to a relationship and, when it did not, she cried rape to cover her embarrassment (CBC News, 2022). This is a common part of “rape myths,” which are inaccurate beliefs about rape and sexual assault deeply ingrained in society and the criminal justice system (Burt, 1980). By all accounts, rape myths can result in a “double victimization” to which many victims of sexual assault have been subjected (Maiorano et al., 2023).

Double victimization is when an individual who is already a victim of sexual assault is re-victimized by the criminal justice system through negative experiences with the police and court system (Smith & Skinner, 2017). It can therefore be said that rape myths impact the ways in which victims of sexual assault experience the criminal justice system. In fact, many women do not report sexual assault for fear of not being believed by the police and having to take part in victim interviews, as these have been shown to cast doubt on the victim (Haskell & Randall, 2019).

During the trial process, such myths also impact how victim-witness testimony is heard and assessed, in spite of the vast research base that illustrates how trauma can make victims delay reporting, lose their memory of the event, or freeze in the line of questioning; such responses are all too often wrongly interpreted as a lack of credibility rather than trauma responses (Haskell & Randall, 2019).

Within the criminal justice system, Canadian laws are in place specifically to protect victims from biased treatment including providing guidelines on evidence related to personal sexual activity (Criminal Code, RSC 1985, c C-46, s 276). First enacted in 1983, “Evidence of complainant’s sexual activity” which came to be commonly known as “rape shield laws” were created to protect victims during the trial from defence strategies founded in rape myths (McNabb & Baker, 2021), particularly the ridiculous but persistent sexist stereotype around multiple sexual partners (Hackman et al., 2017). If the victim is a “slut”,

she’s probably lying, because she is obviously “the type of woman’ who would consent to anything” (Craig, 2016, p. 48).

In spite of our laws, however, research studies and self-reporting from victims indicate that some judges misapply and misinterpret the rape shield provisions and some defence lawyers “undermine or just completely ignore” provisions aimed at protecting victims (Craig, 2016, p. 48). If all victims are not looked upon in the same way by the justice system, who is being lost in this conversation? Are some people so socially marginalized that their voices are not heard or cannot possibly be considered victims, because they’ve brought their own troubles on? The unfortunate answer is, yes, marginalized people are often blamed and many victims of sexual assault are both precariously housed or homeless and have substance and drug use dependencies (Flynn et al., 2018).

SOCIAL ATTITUDES ABOUT WOMEN AND THE EXPERIENCE OF SYSTEMIC OPPRESSION

Power, control, trauma, patriarchy, and stigma all play a role in society’s rape myths and also in the treatment of sexual assault survivors, which directly affects their lives. The literature in many fields increasingly demonstrates that past victimization/trauma can beget future victimization/trauma. As a society, this is something that we can and must change. When it comes to being a woman, having been victimized in childhood, increases the likelihood of being victimized again (Heidinger, 2022).

The irony is that being a victim is a risk factor for further victimization (Statistics Canada, 2023), as evidenced by the well-proven connection between child sexual abuse and experiences of homelessness (Côté et al., 2022) among other impacts. Women who use street drugs are deeply stigmatized by society and subjected to structural and systemic inequality (Boyd et al., 2020). For example, a National Survey

on Victimization, the General Social Survey (GSS, 2019), reports that the risk of violent victimization for homeless people is 5 times higher than for other groups (Statistics Canada, 2023). In the City of Toronto, homeless women on average die at 42 years old, half the average life expectancy for women (Toronto Public Health, 2023).

Sexual assault defined in Canada as “forced sexual activity, attempted forced sexual activity, unwanted sexual touching, grabbing, kissing or fondling, or sexual relations without being able to give consent” is widespread (Statistics Canada, 2023, p 5). According to the federal government (2022), 4.7 million women in Canada have been sexually assaulted since the age of 15. Rates of victimization are actually much higher; sexual assault is under-reported due to the fear of not being believed (Statistics Canada, 2023). In Canada, sexual assault based on police reports was only 6% – the lowest rate of all crime reported (Statistics Canada, 2021). For women who are homeless and using street drugs there is an increased risk of re-victimization (Haskell & Randall, 2019). A qualitative study in Spain reported almost 50% of women using street drugs and accessing harm reduction services have experienced sexual abuse (Valencia, Alvaro-Meca & Troya, 2020). Homeless women who use drugs take part in street sex work at higher rates, which has been found to increase their risk of sexual assault (Flynn et al., 2018).

REFLECTIONS FROM THE FRONT LINE

Based on my experience as a harm reduction worker in a large city in Ontario, I have created the following narratives. They are not stories about real people but rather scenarios of common power dynamics that exist around women who are homeless and use street drugs. These stories serve to highlight the factors connected to the higher risk of sexual assault for vulnerable women. These reflections are my way of critically exploring power and the structure of our society.

POWER-DYNAMIC TRIAD

A distinctive power-dynamic triad can be seen between (1) women who use drugs, (2) their partners, and (3) their life contexts, which reflect the systemic inequalities increasingly known to be connected to such women’s experience of sexual violence.

A young woman named Shannon and her boyfriend Raymond are regulars at a local supervised injection site, but she stops using the site after he gets arrested for assault. The first time she ever injected was with this boyfriend; essentially, he got her depend on drugs. He prepares and injects the drugs for her but will not teach her how to inject. Raymond introduced her to opioids and Fentanyl, highly addictive and toxic drugs available on the streets. He has the power because he holds the drugs, money, and phone for them both. Shannon is completely dependent on him. She can only use drugs with him, which gives him an intense level of control and domination over her life. The dependency on opioids is very real and makes one physically “sick”; going through withdrawal can be excruciatingly painful (Bluthenthal et al., 2020) and even fatal in extreme cases.—Scenario created by the author (Mia H.)

When the partner of someone severely dependent on opioids controls their access to drugs, she becomes completely dependent on him as well and deeply vulnerable to ongoing victimization by him. In my scenario, Raymond uses this power to force Shannon to exchange sex for drugs. Her body is exploitable because of her physical dependency on street drugs and lack of effective and accessible protection for vulnerable women by the criminal justice system (Flynn et al., 2018). Again, women who use street drugs and do sex work are most commonly involved in street-based sex work and in Canada, Indigenous women who use drugs are involved at alarming rates in “survival sex work” (Sharma et al., 2021). Research shows that women who do this type of

sex work are at an increased risk for experiencing sexual violence and abuse (Krüsi et al., 2014). According to McBride et al. (2020), this violence is enabled as a result of perpetrators' recognition that sex workers are devalued by society and often not believed by police. An inadequate response from the criminal justice system enables perpetrators to act with "impunity" committing high levels of sexual violence (McBride et al., 2020, p. 258). A report to the Department of Justice Canada in 2019 shows statistics demonstrating that women who use drugs and are homeless are particularly at risk of both sexual assault and having limited access to justice for their victimization (Haskell & Randall, 2019).

Tanya transitioned 10 years ago and uses the gender pronouns she/her. She gets \$300 monthly from a government benefit support program. The normal amount for a single person receiving this benefit is \$900 but her worker has taken away the housing allowance component of the benefit since she has no fixed address. Her dependency on crack has affected her ability to get a normal job. She has no money, it is winter and freezing outside, and there are no shelter beds available in her small community. Her cell phone has been stolen because she is literally sleeping on the street, and there are no 24-hour drop-in programs for her to go to. As a means of survival, Tanya does sex work, she does not want to but sees no other option for survival. Does society make any space or demonstrate support for women who live on the streets and use street drugs? If we are going to develop public empathy for women who use drugs, we need to debunk the stigma. Phrases such as, "it is her fault, because she uses drugs," have no place here. Stigma has already killed enough people in the drug poisoning crisis in Canada. In 2023, 22 people on average died every day in Canada from drug toxicity poisoning (Government of Canada, 2023).—Scenario created by the author (Mia H.)

WHAT CAN WE DO ABOUT SEXUAL VIOLENCE AS A SOCIAL SCOURGE AND A CRIME?

Let us challenge our perceived notions of who is a victim and what attributes make someone a victim deserving of help. We are far away from having a strategy or plan to support vulnerable women in our society, we need to work to ensure that community supports are available and accessible to vulnerable women who have a substance or drug use dependency, rather than writing them off as addicts. We need to make them the authors of their stories of victimization in order to better understand the drug-partner- trauma triad. Perhaps then the link between victimization, drug use, and sexual violence will come into view for the public and politicians, and society will do something to reduce the incidence of sexual violence. Justice for all victims.

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RÉSUMÉ

Unequal Access to Justice for Vulnerable Women Who Use Drugs: Sexual Victimization, Trauma and the Impact of Stigma

MIA HERSHKOWITZ, PHD

Loin d'avoir une stratégie ou un plan pour soutenir les femmes vulnérables, le Canada doit garantir que le soutien communautaire soit disponible et accessible aux femmes vulnérables, y compris celles qui sont toxicomanes. Peut-être alors le public comprendrait le lien entre la victimisation, les troubles liés à la consommation de drogues et la violence sexuelle. La violence sexuelle, la culture du viol, la double victimisation (c.-à-d. au sein du système de justice pénale) et le manque de protection accessible pour les femmes vulnérables demeurent un problème au Canada. Mia appelle à un changement final de la mentalité « blâme la victime » vers des réponses efficaces de nos praticiens et éducateurs pour lutter contre la stigmatisation associée aux agressions sexuelles subies par les membres les plus vulnérables de nos communautés. Pour ce faire, le système de justice pénale et les collectivités devront inclure les témoignages des victimes et veiller à ce que les décideurs et les législateurs, la police, les tribunaux, les avocats de la défense et le grand public les entendent haut et fort.

Sexual Violence within Canada's Post-Secondary Institutions

BROOK MADIGAN

BA (Class of 2024), Humber College Institute of Technology & Advanced Learning (Ontario)

Sexual violence is one of the “most under-reported criminal offences in Canada” and is “an overlooked issue within post-secondary institutions”. (Tavcer & Dobkins, 2023). Victims of sexual violence are often revictimized by harmful beliefs and myths supported by the rape culture in society and particularly on school campuses. Rape culture attitudes, perceptions, beliefs, values, myths, and behaviours contribute to the minimization of sexual assaults, and the unjust blaming of victims (Tavcer & Dobkins, 2023) invites narratives of victim blaming and creates an unsafe environment for victims to disclose sexual violence. Sexual violence is prevalent at Canadian post-secondary campuses, fortified by the rape culture, and existing policies and procedures are outdated. Meanwhile, the lack of legislation on sexual violence within post-secondary institutions, public data, and standardized reporting mechanisms across institutions and provinces (PACSW, 2023) make combatting the problem and associated rape culture even more difficult.

SEXUAL VIOLENCE PREVALENCE IN CANADIAN POST-SECONDARY INSTITUTIONS

Sexual violence (SV) is one of the “most under-reported criminal offences in Canada” (see Tavcer and Dobson, 2023). It is prevalent in post-secondary institutions, disproportionately affecting those women (71%) who have seen or experienced unwanted sexualized behaviours on campus, off campus, or online involving other students or individuals connected with the school (Statistics Canada, 2020). Women (45%) and men (32%) in college reported experiencing unwanted sexualized behaviours including inappropriate verbal or non-verbal communication, sexually explicit materials, physical contact, or suggested sexual associations.

Women are most often the victim of sexual assault (PACSW, 2021). As Dekerseredy and Kelly (1993) report, female university students in Canada are at a higher risk within the first year or two of academic studies. The first few weeks of a trimester for female students are referred to as a “red zone” of sexual

violence (William et al, 2008). In addition, Senn et al. (2014) point out that 58% of women who are 18 to 24 years old in their first or second year of studies had experienced one or more types of sexual violence as early as age 14. Shockingly, 35% experienced rape or attempted rape, 23% were raped and over 50% of women had experienced sexual contact not including penetration using force, threats, or drugs, and forms of coercion also occurred often (Senn et al, 2014). Amongst rapes (79%) and attempted rapes (78%), tactics such as incapacitation from alcohol and drugs were used by the perpetrators, while force was used almost 50% of the time (Senn et al., 2014).

Senn et al. (2014) found that even the small percentage of women who had education or training about sexual assault were unprepared for perpetrators on post-secondary campuses, as they knew only the stranger danger narrative of self-defence (Senn et al, 2014). If training does not debunk rape myths, it is unlikely to help. The optimism bias held by first-year students (that other

women are at greater risk of sexual assault than they are) indicated that young women are ill prepared (Senn et al, 2014). Some prevention efforts that counsel women on how to avoid rape – essentially placing responsibility on women to protect themselves, project rape myths and victim blaming are universities echoing the words of rapists and engaging in prohibited sex discrimination (Sheeley & Gilbert, 2015).

CURRENT CANADIAN POST-SECONDARY SEXUAL ASSAULT POLICY

Canada currently has no existing legislation on sexual violence within post-secondary institutions (O'Connor & Ostridge, 2020). Most complaint processes are secretive, and individuals engaged in processes are not often lawyers, trained investigators, inexperienced with the due process norms, or the contexts of victim blaming with sexual assault (O'Connor & Ostridge, 2020). However, a few provincial governments in Canada have legislated post-secondary institutions (PSIs) to create stand-alone SV policies and investigative procedures (see Tavcer and Dobson, 2023).

As there is no consistent auditing and fines, postsecondary institutions fail to report incidences of sexual violence (O'Connor & Ostridge, 2020). Research suggests many post-secondary institutional policies are ineffective because they don't ensure that individuals who oversee the process have specialized training to respond vis-a-vis SV and fail to address the systemic issue of misogyny on campus (O'Connor & Ostridge, 2020). Experts who examined campus sexual violence (SV) policies note that current practices of increasing surveillance and security is not preventative or effective (Albert & Perry, 2024). Sheehy and Gilbert (2015) suggest that victims must be encouraged to report sexual assault because it is a criminal offense, but many do not report violence because of the system's response and lack of support from stakeholders (Huck, 2021).

Tavcer and Dobson (2023) have created a sexual consent education module to be added to existing prevention and education programming to redirect "the discussion away from 'how not to get assaulted' towards how we can shift the culture at PSIs to

prevent violence and enrich a #cultureofconsent". The module "is intersectional and inclusive; it is online and interactive; and it addresses rejection, the bystander effect, myth busting, how to talk about consent, and how to support not only people who are victimised but also people who want to take accountability for any harm they have caused".

Survivors of sexual violence face multiple barriers to reporting sexual violence to faculty at PSIs. The rape culture on campuses encourages participation in victim-blaming, and survivors are worried about confidentiality, given that campuses are not equipped to deal with the discrimination victims might face, with respect to dispute resolution processes (O'Connor & Ostridge, 2020). This can also mean that the legal process may endanger them by revealing their identity to their perpetrator. Survivors often face feelings of self-blame, guilt, fear, embarrassment, gossip, retaliation, being judged by other students, disrespected, uncomfortable, and unsafe, and this specific kind of victimization has instant and long-term impacts on well-being and mental health (Statistics Canada, 2020).

CONCLUDING REMARKS

Overall, the social cultures on Canadian post-secondary campuses and in society not only continue to perpetuate sexual violence (SV) but are also on the rise. Most provincial governments continue to remain active bystanders by not developing legislation that can protect students from continually being victimized within its academic establishments. The prevailing rape culture supporting these behaviours and attitudes within college and university campus environments is arguably feeding the rise of sexual violence. Stakeholders must take deliberate action to eliminate rape culture through education and awareness that is aimed at changing attitudes and misinformative beliefs about sexual violence. As well, procedures and policies must include student feedback and comprehensive instruction actions that are easy to understand for students, including those with disabilities (O'Connor & Ostridge, 2020).

Despite the policies and procedures in place in many post-secondary institutions to address various forms of SV, there is little public data and not standardized reporting mechanism across the provinces. One thing is clear, what has been done thus far is not working; “despite decades of violence prevention, education campaigns, protests, legislative changes, and prevention programming, the prevalence rates of SV have not changed in Canada for over 30 years” (Tavcer and Dobson, 2023).

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RÉSUMÉ

Sexual Violence within Canada's Post-Secondary Institutions

BROOK MADIGAN

Bacc. (2024), Humber College (Ontario).

La violence sexuelle constitue un crime nettement sous-déclaré au Canada qui victimise de façon disproportionnée les femmes et qui est répandu dans les campus postsecondaires canadiens et québécois. Pourquoi les politiques et procédures actuelles sont-elles si désuètes? C'est dû en partie au fait qu'il n'y pas de politiques efficaces sur la violence sexuelle, qui est à la fois une question de justice sociale et pénale, au sein des établissements postsecondaires, de données publiques et de mécanismes de déclaration normalisés entre les établissements et les provinces (PACSW, 2023), ce qui rendre encore plus difficile la lutte contre le problème et la « culture du viol ».

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Banff 2024

39TH CCJA CONGRESS
39E CONGRÈS ACJP

OCTOBER 6-9 OCTOBRE 2024

CCJA 39TH BIENNIAL CONGRESS / 39E CONGRÈS

CANADIAN CRIMINAL JUSTICE ASSOCIATION / ASSOCIATION CANADIENNE DE JUSTICE PÉNALE

Theme/Thème * Pursuing Reconciliation in the Canadian Criminal Justice System / Chercher la Réconciliation dans le Système de Justice Pénale Canadien

Place/Endroit * Banff, Alberta

Info/Infos * <https://www.ccja-acjp.ca/pub/en/news/congress-2024-call-for-papers/>

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CIAJ PROGRAMS FOR JUDGES 2023-2024 PROGRAMMES POUR LES JUGES :

MAY 12-16 MAI 2024

CANADIAN INSTITUTE FOR THE ADMINISTRATION OF JUSTICE / INSTITUT CANADIEN D'ADMINISTRATION DE LA JUSTICE (CIAJ-ICAJ)

Theme/Thème * Judgment Writing Seminar / Maîtriser la rédaction des jugements

Place/Endroit * Toronto, ON (Canada)

JUNE 4-27 JUIN 2024

Theme/Thème * Judgment Writing Seminar / Séminaire sur la rédaction des jugements (édition 2024)

Place/Endroit * Montréal, QC (Canada)

OCTOBER 9-11 OCTOBRE 2024

Theme/Thème * 48th Annual Conference: The Families and the Law / 48e Conférence annuelle : Les familles et le droit (édition 2024)

Place/Endroit * Winnipeg, MB (Canada)

Info/Infos * [www://ciaj-icaj.ca/en/](http://www/ciaj-icaj.ca/en/) - www.ciaj-icaj.ca/fr/

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AUGUST 15-18 AOÛT 2024

154TH CONGRESS OF CORRECTIONS – AMERICAN CORRECTIONAL ASSOCIATION (ACA)

Theme/Thème * The future of probation and parole Special Event * Education in Corrections Symposium on Jan. 4

Place/Endroit * Nashville, TN (USA)

Info/Infos * <https://user-3imepyw.cld.bz/2024-ACA-Nashville-Planning-Guide-154th-Congress-of-Correction>

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JUSTICE

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